

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 530

Representative Calvert

—

A BILL

To amend sections 9.41, 9.901, 101.543, 107.40, 1
109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 2
117.46, 117.47, 117.48, 120.36, 120.52, 120.521, 3
120.53, 121.04, 121.11, 121.37, 122.17, 122.171, 4
122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 5
124.137, 124.138, 124.139, 124.14, 124.151, 6
124.152, 124.18, 124.181, 124.182, 124.321, 7
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124.391, 124.82, 124.821, 124.822, 124.823, 9
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3317.024, 3317.029, 3317.0216, 3317.03, 3317.051, 22
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3317.19, 3318.37, 3319.17, 3323.13, 3345.05, 24
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5747.05, 5747.056, 5747.11, 5747.331, 5748.01,	55
5748.02, 5751.01, 5751.011, 5751.032, 5751.04,	56
5751.05, 5751.051, 5751.10, 5751.20, 5751.21,	57
5751.22, and 5751.53; to amend, for the purpose of	58

adopting new section numbers as indicated in 59
parentheses, sections 117.45 (126.35), 117.46 60
(126.36), 117.47 (126.37), 117.48 (126.38), 173.41 61
(173.394), 5111.081 (5111.942), 5111.082 62
(5111.081), 5111.083 (5111.082), 5111.084 63
(5111.083), and 5111.085 (5111.084); to enact new 64
sections 3325.12 and 3365.11 and sections 121.086, 65
131.022, 173.27, 333.01, 333.02, 333.03, 333.04, 66
333.05, 333.06, 333.07, 3314.18, 3323.143, 67
4303.207, 5111.8813, 5111.8814, 5111.8815, 68
5111.8816, 5111.8817, 5111.941, 5111.943, 69
5112.311, 5502.261, 5531.101, 5701.11, 5705.211, 70
5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 71
5743.021, 5743.321, 5748.011, and 5919.19; and to 72
repeal sections 3325.12, 3325.17, 3365.11, and 73
4732.04 of the Revised Code; to amend Section 3 of 74
Sub. H.B. 11 of the 126th General Assembly; to 75
amend Sections 203.09, 203.12, 203.12.12, 203.45, 76
203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 77
203.99.01, 203.99.48, 206.03, 206.09.12, 78
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209.64.60, 209.75, 209.81, 209.90.06, 212.03, 87
212.24, 212.27, 212.30, 212.33, and 315.03 of Am. 88
Sub. H.B. 66 of the 126th General Assembly; to 89
amend Sections 23 and 23.01 of Am. Sub. S.B. 189 90
of the 125th General Assembly; to amend Sections 91

19.01, 20.01, 23.12, and 23.45 of Am. Sub. H.B. 16 92
of the 126th General Assembly, as subsequently 93
amended; to amend Sections 203.06.06 and 203.06.24 94
of Am. Sub. H.B. 68 of the 126th General Assembly, 95
as subsequently amended; and to amend Section 22 96
of Am. Sub. S.B. 189 of the 125th General 97
Assembly, as subsequently amended, to make capital 98
reappropriations for the biennium ending June 30, 99
2008, to make certain supplemental and capital 100
appropriations and to provide authorization and 101
conditions for the operation of state programs. 102

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

Section 101.01. That sections 9.41, 9.901, 101.543, 107.40, 103
109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 104
117.48, 120.36, 120.52, 120.521, 120.53, 121.04, 121.11, 121.37, 105
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2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3307.32, 115
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3773.56, 3905.43, 4109.01, 4109.02, 4109.06, 4109.07, 4117.01, 124
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4781.04, 4781.05, 4781.13, 5111.061, 5111.081, 5111.20, 5111.231, 133
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5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5123.196, 5139.50, 135
5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.195, 136
5705.34, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 137
5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 138
5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 139
5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 140
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5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 5747.05, 142
5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 5751.011, 143
5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 144
5751.22, and 5751.53 be amended; that sections 117.45 (126.35), 145
117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 173.41 146
(173.394), 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 147
(5111.082), 5111.084 (5111.083), and 5111.085 (5111.084) be 148
amended for the purpose of adopting new sections numbers as 149
indicated in parentheses; that new sections 3325.12 and 3365.11 150
and sections 121.086, 131.022, 173.27, 333.01, 333.02, 333.03, 151
333.04, 333.05, 333.06, 333.07, 3314.18, 3323.143, 4303.207, 152

5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 153
5111.943, 5112.311, 5502.261, 5531.101, 5701.11, 5705.211, 154
5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 5743.021, 155
5743.321, 5748.011, and 5919.19 of the Revised Code be enacted to 156
read as follows: 157

Sec. 9.41. The ~~auditor of state,~~ director of budget and 158
management, or any fiscal officer of any county, city, city health 159
district, general health district, or city school district 160
thereof, or civil service township, shall not draw, sign, issue, 161
or authorize the drawing, signing, or issuing of any warrant on 162
the treasurer of state or other disbursing officer of the state, 163
or the treasurer or other disbursing officer of any county, city, 164
or city school district thereof, or civil service township, to pay 165
any salary or other compensation to any officer, clerk, employee, 166
or other person in the classified service unless an estimate, 167
payroll, or account for such salary or compensation containing the 168
name of each person to be paid, bears the certificate of the 169
director of administrative services, or in the case of the service 170
of the city or civil service township, the certificate of the 171
civil service commission of the city or civil service township, or 172
in the case of the service of the county, the certificate of the 173
appointing authority, that the persons named in the estimate, 174
payroll, or account have been appointed, promoted, reduced, 175
suspended, or laid off, or are being employed in pursuance of 176
Chapter 124. of the Revised Code and the rules adopted thereunder. 177

Where estimates, payrolls, or accounts are prepared by 178
electronic data processing equipment, the director of 179
administrative services or the municipal or civil service township 180
civil service commission may develop methods for controlling the 181
input or verifying the output of such equipment to ensure 182
compliance with Chapter 124. of the Revised Code and the rules 183

adopted thereunder. Any estimates, payrolls, or accounts prepared 184
by these methods shall be subject to special audit at any time. 185

Any sum paid contrary to this section may be recovered from 186
any officer making such payment in contravention of law and of the 187
rules made in pursuance of law, or from any officer signing, 188
countersigning, or authorizing the signing or countersigning of 189
any warrant for the payment of the same, or from the sureties on 190
~~his~~ the officer's official bond, in an action in the courts of the 191
state, maintained by a citizen resident therein. All moneys 192
recovered in any action brought under this section shall, when 193
collected, be paid into the state treasury or the treasury of the 194
appropriate civil division of the state, except that the plaintiff 195
in any action shall be entitled to recover ~~his~~ the plaintiff's own 196
taxable costs of such action. 197

Sec. 9.901. (A)(1) All health care benefits provided to 198
persons employed by the public schools of this state shall be 199
provided by medical plans designed pursuant to this section by the 200
school employees health care board. The board, in consultation 201
with the superintendent of insurance, shall negotiate with and, in 202
accordance with the competitive selection procedures of Chapter 203
125. of the Revised Code, contract with one or more insurance 204
companies authorized to do business in this state for the issuance 205
of the plans. Any or all of the medical plans designed by the 206
board may be self-insured. All self-insured plans adopted shall be 207
administered by the board in accordance with this section. As used 208
in this section, a "public school" means a school in a city, 209
local, exempted village, or joint vocational school district, and 210
includes the educational service centers associated with those 211
schools. 212

(2) Prior to soliciting proposals from insurance companies 213
for the issuance of medical plans, the board shall determine what 214

geographic regions exist in the state based on the availability of
providers, networks, costs, and other factors relating to
providing health care benefits. The board shall then determine
what medical plans are offered by school districts and existing
consortiums in the state. The board shall determine what medical
plan offered by a school district or existing consortium in the
region offers the lowest premium cost plan.

(3) The board shall develop a request for proposals and
solicit bids for medical plans for the school districts in a
region similar to the existing plans. The board shall also
determine the benefits offered by existing medical plans, the
employees' costs, and the cost-sharing arrangements used by public
schools participating in a consortium. The board shall determine
what strategies are used by the existing medical plans to manage
health care costs and shall study the potential benefits of state
or regional consortiums of public schools offering multiple health
care plans.

(4) As used in this section, a "medical plan" includes group
policies, contracts, and agreements that provide hospital,
surgical, or medical expense coverage, including self-insured
plans. A "medical plan" does not include an individual plan
offered to the employees of a public school, or a plan that
provides coverage only for specific disease or accidents, or a
hospital indemnity, medicare supplement, or other plan that
provides only supplemental benefits, paid for by the employees of
a public school.

(B) The school employees health care board is hereby created.
The school employees health care board shall consist of the
following nine members and shall include individuals with
experience with public school benefit programs, health care
industry providers, and medical plan beneficiaries:

(1) Three members appointed by the governor;	246
(2) Three members appointed by the president of the senate;	247
(3) Three members appointed by the speaker of the house of representatives.	248 249
A member of the school employees health care board shall not be employed by, represent, or in any way be affiliated with a private entity that is providing services to the board, an individual school district, employers, or employees in the state of Ohio.	250 251 252 253 254
(C)(1) Members of the school employees health care board shall serve four-year terms; however, one of each of the initial members appointed under divisions (B)(1) to (3) of this section shall be appointed to a term of one year. The initial appointments under this section shall be made within forty-five days after the effective date of this section <u>September 29, 2005</u> .	255 256 257 258 259 260
Members' terms shall end on the same day of the same month as the effective date of this section <u>twenty-ninth day of September</u> , but a member shall continue to serve subsequent to the expiration of the member's term until a successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term.	261 262 263 264 265 266 267 268
(2) Members shall serve without compensation but shall be reimbursed from the school employees health care fund for actual and necessary expenses incurred in the performance of their official duties as members of the board.	269 270 271 272
(3) Members may be removed by their appointing authority for misfeasance, malfeasance, incompetence, dereliction of duty, or other just cause.	273 274 275

(D)(1) The governor shall call the first meeting of the 276
school employees health care board. At that meeting, and annually 277
thereafter, the board shall elect a chairperson and may elect 278
members to other positions on the board as the board considers 279
necessary or appropriate. The board shall meet at least four times 280
each calendar year and shall also meet at the call of the 281
chairperson or three or more board members. The chairperson shall 282
provide reasonable advance notice of the time and place of board 283
meetings to all members. 284

(2) A majority of the board constitutes a quorum for the 285
transaction of business at a board meeting. A majority vote of the 286
members present is necessary for official action. 287

(E) The school employees health care board shall conduct its 288
business at open meetings; however, the records of the board are 289
not public records for purposes of section 149.43 of the Revised 290
Code. 291

(F) The school employees health care fund is hereby created 292
in the state treasury. The public schools shall pay all school 293
employees health care board plan premiums in the manner prescribed 294
by the school employees health care board to the board for deposit 295
into the school employees health care fund. All funds in the 296
school employees health care fund shall be used solely for the 297
provision of health care benefits to public schools employees 298
pursuant to this section and related administrative costs. 299
Premiums received by the board or insurance companies contracted 300
pursuant to division (A) of this section are not subject to any 301
state insurance premium tax. 302

(G) The school employees health care board shall do all of 303
the following: 304

(1) Design multiple medical plans, including regional plans, 305
to provide, in the board's judgment, the optimal combination of 306

coverage, cost, choice, and stability of health cost benefits. The 307
board may establish more than one tier of premium rates for any 308
medical plan. The board shall establish regions as necessary for 309
the implementation of the board's medical plans. Plans and premium 310
rates may vary across the regions established by the board. 311

(2) Set an aggregate goal for employee and employer portions 312
of premiums for the board's medical plans so as to manage plan 313
participation and encourage the use of value-based plan 314
participation by employees; 315

(3) Set employer and employee plan copayments, deductibles, 316
exclusions, limitations, formularies, premium shares, and other 317
responsibilities; 318

(4) Include disease management and consumer education 319
programs, to the extent that the board determines is appropriate, 320
in all medical plans designed by the board, which programs shall 321
include, but are not limited to, wellness programs and other 322
measures designed to encourage the wise use of medical plan 323
coverage. These programs are not services or treatments for 324
purposes of section 3901.71 of the Revised Code. 325

(5) Create and distribute to the governor, the speaker of the 326
house of representatives, and the president of the senate, an 327
annual report covering the plan background; plan coverage options; 328
plan administration, including procedures for monitoring and 329
managing objectives, scope, and methodology; plan operations; 330
employee and employer contribution rates and the relationship 331
between the rates and the school employees health care fund 332
balance; a means to develop and maintain identity and evaluate 333
alternative employee and employer cost-sharing strategies; an 334
evaluation of the effectiveness of cost-saving services and 335
programs; an evaluation of efforts to control and manage member 336
eligibility and to insure that proper employee and employer 337

contributions are remitted to the trust fund; efforts to prevent 338
and detect fraud; and efforts to manage and monitor board 339
contracts; 340

(6) Utilize cost containment measures aligned with patient, 341
plan, and provider management strategies in developing and 342
managing medical plans. 343

(H) The sections in Chapter 3923. of the Revised Code 344
regulating public employee benefit plans are not applicable to the 345
medical plans designed pursuant to this section. 346

(I)(1) Public schools are not subject to this section prior 347
to the release of medical plans designed pursuant to this section. 348

(2) Prior to the school employees health care board's release 349
of the board's initial medical plans, the board shall contract 350
with an independent consultant to analyze costs related to 351
employee health care benefits provided by existing school district 352
plans in this state. The consultant shall determine the benefits 353
offered by existing medical plans, the employees' costs, and the 354
cost-sharing arrangements used by public schools either 355
participating in a consortium or by other means. The consultant 356
shall determine what strategies are used by the existing medical 357
plans to manage health care costs and shall study the potential 358
benefits of state or regional consortiums of public schools 359
offering multiple health care plans. Based on the findings of the 360
analysis, the consultant shall submit written recommendations to 361
the board for the development and implementation of a successful 362
program for pooling school districts' purchasing power for the 363
acquisition of employee medical plans. The consultant's 364
recommendations shall address, at a minimum, all of the following 365
issues: 366

(a) The establishment of regions for the provision of medical 367
plans, based on the availability of providers and plans in the 368

state at the time that the school employees health care board is established;	369 370
(b) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative medical plans, to stabilize both costs and the premiums charged school districts and district employees;	371 372 373 374
(c) The development of a system to obtain eligibility data and data compiled pursuant to the "Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 1161, as amended;	375 376 377 378
(d) The use of the competitive bidding process for regional medical plans;	379 380
(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;	381 382
(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;	383 384 385
(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;	386 387 388
(h) Recommended strategies for the use of first-year roll-in premiums in the transition from district medical plans to school employees health care board plans;	389 390 391
(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;	392 393 394
(j) Mandatory and optional coverages to be offered by the board's medical plans;	395 396
(k) Potential risks to the state from the use of medical plans developed pursuant to this section;	397 398

(l) Any legislation needed to ensure the long-term financial solvency and stability of a health care purchasing system;	399 400
(m) The potential impacts of any changes to the existing purchasing structure on all of the following:	401 402
(i) Existing health care pooling and consortiums;	403
(ii) School district employees;	404
(iii) Individual school districts.	405
(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;	406 407 408
(o) Strategies available to the board in the creation of fund reserves and the need for stop-loss insurance coverage for catastrophic losses;	409 410 411
(p) Any legislation needed to establish and maintain medical plans designed pursuant to this section. The consultant shall submit all legislative recommendations not later than December 31, 2005 <u>August 30, 2006</u> , in writing, to the school employees health care board and to the governor, the speaker of the house of representatives, and the president of the senate.	412 413 414 415 416 417
(3) The public schools health care advisory committee is hereby created under the school employees health care board. The committee shall make recommendations to the school employees health care board related to the board's accomplishment of the duties assigned to the board under this section. The committee shall consist of eighteen members. The governor, the speaker of the house of representatives, and the president of the senate shall each appoint a representative from the Ohio education association, the Ohio school boards association, the Ohio association of school business officials, the Ohio association of health underwriters, an existing health care consortium serving	418 419 420 421 422 423 424 425 426 427 428

public schools, and a health insuring corporation licensed to do 429
business in Ohio and recommended by the Ohio association of health 430
plans. The initial appointees shall be appointed to a one-year 431
term not later than July 31, ~~2005~~ 2007, the members' term to begin 432
on that date. Subsequent one-year appointments, to commence on the 433
thirty-first day of July of each year, shall be made in the same 434
manner. A member shall continue to serve subsequent to the 435
expiration of the member's term until the member's successor is 436
appointed. Any vacancy occurring during a member's term shall be 437
filled in the same manner as the original appointment, except that 438
the person appointed to fill the vacancy shall be appointed to the 439
remainder of the unexpired term. The governor shall call the first 440
meeting of each newly appointed committee. At that meeting the 441
board shall elect a chairperson who shall call the time and place 442
of future committee meetings. Committee members are not subject to 443
the conditions for eligibility set by division (B) of this section 444
for members of the school employees health care board. 445

(4) The school employees health care board shall submit a 446
written study to the governor and the general assembly not later 447
than ~~January 15~~ December 1, 2006, of a plan to operate in 448
compliance with this section, and on the governance of the school 449
employees health care board. A copy of the board's plan of 450
operation, including audit provisions, shall accompany the report 451
on the board's governance and the report shall include the board's 452
recommendations on any legislation needed to enforce the 453
recommendations of the board on implementing the provisions of 454
this section. 455

(5) Not later than January 15, 2009, and not later than the 456
same day of each subsequent year, the school employees health care 457
board shall submit a written report to the governor and each 458
member of the general assembly, which report evaluates the 459
performance of school employees health care board medical plans 460

during the previous year. Districts offering employee health care 461
benefits through a plan offered by a consortium of two or more 462
districts, or a consortium of one or more districts and one or 463
more political subdivisions as defined in section 9.833 of the 464
Revised Code, representing five thousand or more employees as of 465
January 1, 2005, may request permission from the school employees 466
health care board to continue offering consortium plans to the 467
districts' employees at the discretion of the board. If the board 468
grants permission, the permission is valid for only one year but 469
may be renewed annually thereafter upon application to an approval 470
of the board. The board shall grant initial or continued approval 471
upon finding, based on an actuarial evaluation of the existing 472
consortium plan offerings, that benefit design, premium costs, 473
administrative cost, and other factors considered by the board are 474
equivalent to or lower than comparable costs of the board's plan 475
options offered to the local district. Age and gender adjustments, 476
benefit comparison adjustments, and the total cost of the 477
consortium plan, including administration, benefit cost, stop-loss 478
insurance, and all other expenses or information requested by the 479
board shall be presented to the board prior to the board's 480
decision to allow a local district to continue to offer health 481
care benefits under a consortium plan. A district shall not 482
participate in the consortium plan once the district has chosen to 483
offer plans designed by the board to the district's employees and 484
begins premium payments for deposit into the school employees 485
health care fund. 486

(6) Any districts providing medical plan coverage for the 487
employees of public schools, or that have provided coverage within 488
two years prior to ~~the effective date of this section~~ September 489
29, 2005, shall provide nonidentifiable aggregate claims data for 490
the coverage to the school employees health care board or the 491
department of administrative services, without charge, within 492

thirty days after receiving a written request from the board or 493
the department. The claims data shall include data relating to 494
employee group benefit sets, demographics, and claims experience. 495

(J) The school employees health care board may contract with 496
other state agencies as the board deems necessary for the 497
implementation and operation of this section, based on 498
demonstrated experience and expertise in administration, 499
management, data handling, actuarial studies, quality assurance, 500
or other needed services. The school employees health care board 501
shall contract with the department of administrative services for 502
central services until the board is able to obtain such services 503
from other sources. The board shall reimburse the department of 504
administrative services for the reasonable cost of those services. 505

(K) The board's administrative functions shall include, but 506
are not limited to, the following: 507

(1) Maintaining reserves in the school employees health care 508
fund, reinsurance, and other measures that in the judgment of the 509
board will result in the long-term stability and solvency of the 510
medical plans designed by the board. The board shall bill school 511
districts, in proportion to a district's premium payments to all 512
premium payments paid into the school employees health care fund 513
during the previous year, in order to maintain necessary reserves, 514
reinsurance, and administrative and operating funds. Each school 515
district contributing to a board medical plan shall share any 516
losses due to the expense of claims paid by the plan. In the event 517
of a loss, the board may bill each district an amount, in 518
proportion to the district's premium payments to all premium 519
payments paid into the school employees health care fund during 520
the previous year, sufficient in total to cover the loss. The 521
state is not liable for any obligations of the school employees 522
health care board or the school employees health care fund, or for 523
expenses of public schools or school districts related to the 524

board's medical plans. 525

(2) Providing health care information, wellness programs, and 526
other preventive health care measures to medical plan 527
beneficiaries, to the extent that the board determines to be 528
appropriate; 529

(3) Coordinating contracts for services related to the 530
board's medical plans. Contracts shall be approved by the school 531
employees health care board. 532

(L) Not less than ninety days before coverage begins for 533
public school employees under medical plans designed by the school 534
employees health care board, a school district's board of 535
education shall provide detailed information about the medical 536
plans to the employees. 537

(M) Nothing in this section shall be construed as prohibiting 538
public schools or school districts from consulting with and 539
compensating insurance agents and brokers for professional 540
services. 541

(N) The department of administrative services shall report to 542
the governor, the speaker of the house of representatives, and the 543
president of the senate ~~within eighteen months after the effective~~ 544
~~date of this section~~ not later than April 30, 2007, on the 545
feasibility of achieving all of the following: 546

(1) Designing multiple medical plans to cover persons 547
employed by public institutions of higher education that achieve 548
an optimal combination of coverage, cost, choice, and stability, 549
which plans include both state and regional preferred provider 550
plans, set employee and employer premiums, and set employee plan 551
copayments, deductibles, exclusions, limitations, formularies, and 552
other responsibilities. For this purpose, "public institutions of 553
higher education" include, without limitation, state universities 554
and colleges, state community college districts, community college 555

districts, university branch districts, technical college 556
districts, and municipal universities. 557

(2) Maintaining reserves, reinsurance, and other measures to 558
insure the long-term stability and solvency of the medical plans; 559

(3) Providing appropriate health care information, wellness 560
programs, and other preventive health care measures to medical 561
plan beneficiaries; 562

(4) Coordinating contracts for services related to the 563
medical plans. 564

Sec. 101.543. The As used in this section, "published" means 565
to produce an electronic record that is accessible to the public. 566

The daily journals of the senate and house of representatives 567
journals shall be printed or published daily during each session 568
of the general assembly in pamphlet form without covers. The 569
senate journal shall precede the house of representatives journal 570
in the pamphlet. The composition used in printing or publishing 571
the daily journals shall be retained for use in printing the final 572
journals. 573

The final journals and appendixes of the senate and house of 574
representatives journals and appendixes shall be printed after 575
adjournment sine die and be bound in half law binding. The 576
respective journal of each house and its proper appendix shall 577
compose one volume unless the clerk of the senate or clerk of the 578
house of representatives, as the case may be, directs that they be 579
bound in separate volumes. 580

Sec. 107.40. (A) There is hereby created the governor's 581
residence advisory commission. The commission shall provide for 582
the preservation, restoration, acquisition, and conservation of 583
all decorations, objects of art, chandeliers, china, silver, 584

statues, paintings, furnishings, accouterments, and other 585
aesthetic materials that have been acquired, donated, loaned, or 586
otherwise obtained by the state for the governor's residence and 587
that have been approved by the commission. In addition, the 588
commission shall provide for the maintenance of plants that have 589
been acquired, donated, loaned, or otherwise obtained by the state 590
for the governor's residence and that have been approved by the 591
commission. 592

(B) The commission shall be responsible for the care, 593
provision, repair, and placement of furnishings and other objects 594
and accessories of the grounds and public areas of the first story 595
of the governor's residence and for the care and placement of 596
plants on the grounds. In exercising this responsibility, the 597
commission shall preserve and seek to further establish ~~the~~ both 598
of the following: 599

(1) The authentic ambiance and decor of the historic era 600
during which the governor's residence was constructed. ~~These;~~ 601

(2) The grounds as a representation of Ohio's natural 602
ecosystems. 603

These duties shall not affect the obligation of the 604
department of administrative services to provide for the general 605
maintenance and operating expenses of the governor's residence. 606

(C) The commission shall consist of ~~nine~~ eleven members. One 607
member shall be the director of administrative services or the 608
director's designee, who shall serve during the director's term of 609
office and shall serve as chairperson. One member shall be the 610
director of the Ohio historical society or the director's 611
designee, who shall serve during the director's term of office and 612
shall serve as vice-chairperson. One member shall represent the 613
Columbus landmarks foundation. One member shall represent the 614
Bexley historical society. One member shall be the mayor of the 615

city of Bexley, who shall serve during the mayor's term of office. 616
One member shall be the chief executive officer of the Franklin 617
park conservatory joint recreation district, who shall serve 618
during the term of employment as chief executive officer. The 619
remaining five members shall be appointed by the governor with the 620
advice and consent of the senate. The five members appointed by 621
the governor shall be persons with knowledge of Ohio history, 622
architecture, decorative arts, or historic preservation, and one 623
of those members shall have knowledge of landscape architecture, 624
garden design, horticulture, and plants native to this state. 625

(D) Of the initial appointees, the representative of the 626
Columbus landmarks foundation shall serve for a term expiring 627
December 31, 1996, and the representative of the Bexley historical 628
society shall serve for a term expiring December 31, 1997. Of the 629
five members appointed by the governor, three shall serve for 630
terms ending December 31, 1998, and two shall serve for terms 631
ending December 31, 1999. Thereafter, each term shall be for four 632
years, commencing on the first day of January and ending on the 633
last day of December. ~~Each~~ The member having knowledge of 634
landscape architecture, garden design, horticulture, and plants 635
native to this state initially shall be appointed upon the first 636
vacancy on the commission occurring on or after the effective date 637
of this amendment. 638

Each member shall hold office from the date of the member's 639
appointment until the end of the term for which the member was 640
appointed. Any member appointed to fill a vacancy occurring prior 641
to the end of the term for which the member's predecessor was 642
appointed shall hold office for the remainder of the term. Any 643
member shall continue in office subsequent to the expiration of 644
the term until the member's successor takes office. 645

(E) ~~Five~~ Six members of the commission constitute a quorum, 646
and the affirmative vote of ~~five~~ six members is required for 647

approval of any action by the commission. 648

(F) After each initial member of the commission has been 649
appointed, the commission shall meet and select one member as 650
secretary and another as treasurer. Organizational meetings of the 651
commission shall be held at the time and place designated by call 652
of the chairperson. Meetings of the commission may be held 653
anywhere in the state and shall be in compliance with Chapters 654
121. and 149. of the Revised Code. The commission may adopt, 655
pursuant to section 111.15 of the Revised Code, rules necessary to 656
carry out the purposes of this section. 657

(G) Members of the commission shall serve without 658
remuneration, but shall be compensated for actual and necessary 659
expenses incurred in the performance of their official duties. 660

(H) All expenses incurred in carrying out this section are 661
payable solely from money accrued under this section or 662
appropriated for these purposes by the general assembly, and the 663
commission shall incur no liability or obligation beyond such 664
money. 665

(I) The commission may accept any donation, gift, bequest, or 666
devise for the governor's residence or as an endowment for the 667
maintenance and care of the garden on the grounds of the 668
governor's residence in furtherance of its duties. Any revenue 669
received by the commission shall be deposited into the governor's 670
residence fund, which is hereby established in the state treasury, 671
for use by the commission in accordance with the performance of 672
its duties. All investment earnings of the fund shall be credited 673
to the fund. Title to all property acquired by the commission 674
shall be taken in the name of the state and shall be held for the 675
use and benefit of the commission. 676

(J) Nothing in this section limits the ability of a person or 677
other entity to purchase decorations, objects of art, chandeliers, 678

china, silver, statues, paintings, furnishings, accouterments, 679
plants, or other aesthetic materials for placement in the 680
governor's residence or on the grounds of the governor's residence 681
or donation to the commission. No such object or plant, however, 682
shall be placed on the grounds or public areas of the first story 683
of the governor's residence without the consent of the commission. 684

Sec. 109.57. (A)(1) The superintendent of the bureau of 685
criminal identification and investigation shall procure from 686
wherever procurable and file for record photographs, pictures, 687
descriptions, fingerprints, measurements, and other information 688
that may be pertinent of all persons who have been convicted of 689
committing within this state a felony, any crime constituting a 690
misdemeanor on the first offense and a felony on subsequent 691
offenses, or any misdemeanor described in division (A)(1)(a) of 692
section 109.572 of the Revised Code, of all children under 693
eighteen years of age who have been adjudicated delinquent 694
children for committing within this state an act that would be a 695
felony or an offense of violence if committed by an adult or who 696
have been convicted of or pleaded guilty to committing within this 697
state a felony or an offense of violence, and of all well-known 698
and habitual criminals. The person in charge of any county, 699
multicounty, municipal, municipal-county, or multicounty-municipal 700
jail or workhouse, community-based correctional facility, halfway 701
house, alternative residential facility, or state correctional 702
institution and the person in charge of any state institution 703
having custody of a person suspected of having committed a felony, 704
any crime constituting a misdemeanor on the first offense and a 705
felony on subsequent offenses, or any misdemeanor described in 706
division (A)(1)(a) of section 109.572 of the Revised Code or 707
having custody of a child under eighteen years of age with respect 708
to whom there is probable cause to believe that the child may have 709
committed an act that would be a felony or an offense of violence 710

if committed by an adult shall furnish such material to the 711
superintendent of the bureau. Fingerprints, photographs, or other 712
descriptive information of a child who is under eighteen years of 713
age, has not been arrested or otherwise taken into custody for 714
committing an act that would be a felony or an offense of violence 715
if committed by an adult, has not been adjudicated a delinquent 716
child for committing an act that would be a felony or an offense 717
of violence if committed by an adult, has not been convicted of or 718
pleaded guilty to committing a felony or an offense of violence, 719
and is not a child with respect to whom there is probable cause to 720
believe that the child may have committed an act that would be a 721
felony or an offense of violence if committed by an adult shall 722
not be procured by the superintendent or furnished by any person 723
in charge of any county, multicounty, municipal, municipal-county, 724
or multicounty-municipal jail or workhouse, community-based 725
correctional facility, halfway house, alternative residential 726
facility, or state correctional institution, except as authorized 727
in section 2151.313 of the Revised Code. 728

(2) Every clerk of a court of record in this state, other 729
than the supreme court or a court of appeals, shall send to the 730
superintendent of the bureau a weekly report containing a summary 731
of each case involving a felony, involving any crime constituting 732
a misdemeanor on the first offense and a felony on subsequent 733
offenses, involving a misdemeanor described in division (A)(1)(a) 734
of section 109.572 of the Revised Code, or involving an 735
adjudication in a case in which a child under eighteen years of 736
age was alleged to be a delinquent child for committing an act 737
that would be a felony or an offense of violence if committed by 738
an adult. The clerk of the court of common pleas shall include in 739
the report and summary the clerk sends under this division all 740
information described in divisions (A)(2)(a) to (f) of this 741
section regarding a case before the court of appeals that is 742
served by that clerk. The summary shall be written on the standard 743

forms furnished by the superintendent pursuant to division (B) of 744
this section and shall include the following information: 745

(a) The incident tracking number contained on the standard 746
forms furnished by the superintendent pursuant to division (B) of 747
this section; 748

(b) The style and number of the case; 749

(c) The date of arrest; 750

(d) The date that the person was convicted of or pleaded 751
guilty to the offense, adjudicated a delinquent child for 752
committing the act that would be a felony or an offense of 753
violence if committed by an adult, found not guilty of the 754
offense, or found not to be a delinquent child for committing an 755
act that would be a felony or an offense of violence if committed 756
by an adult, the date of an entry dismissing the charge, an entry 757
declaring a mistrial of the offense in which the person is 758
discharged, an entry finding that the person or child is not 759
competent to stand trial, or an entry of a nolle prosequi, or the 760
date of any other determination that constitutes final resolution 761
of the case; 762

(e) A statement of the original charge with the section of 763
the Revised Code that was alleged to be violated; 764

(f) If the person or child was convicted, pleaded guilty, or 765
was adjudicated a delinquent child, the sentence or terms of 766
probation imposed or any other disposition of the offender or the 767
delinquent child. 768

If the offense involved the disarming of a law enforcement 769
officer or an attempt to disarm a law enforcement officer, the 770
clerk shall clearly state that fact in the summary, and the 771
superintendent shall ensure that a clear statement of that fact is 772
placed in the bureau's records. 773

(3) The superintendent shall cooperate with and assist 774
sheriffs, chiefs of police, and other law enforcement officers in 775
the establishment of a complete system of criminal identification 776
and in obtaining fingerprints and other means of identification of 777
all persons arrested on a charge of a felony, any crime 778
constituting a misdemeanor on the first offense and a felony on 779
subsequent offenses, or a misdemeanor described in division 780
(A)(1)(a) of section 109.572 of the Revised Code and of all 781
children under eighteen years of age arrested or otherwise taken 782
into custody for committing an act that would be a felony or an 783
offense of violence if committed by an adult. The superintendent 784
also shall file for record the fingerprint impressions of all 785
persons confined in a county, multicounty, municipal, 786
municipal-county, or multicounty-municipal jail or workhouse, 787
community-based correctional facility, halfway house, alternative 788
residential facility, or state correctional institution for the 789
violation of state laws and of all children under eighteen years 790
of age who are confined in a county, multicounty, municipal, 791
municipal-county, or multicounty-municipal jail or workhouse, 792
community-based correctional facility, halfway house, alternative 793
residential facility, or state correctional institution or in any 794
facility for delinquent children for committing an act that would 795
be a felony or an offense of violence if committed by an adult, 796
and any other information that the superintendent may receive from 797
law enforcement officials of the state and its political 798
subdivisions. 799

(4) The superintendent shall carry out Chapter 2950. of the 800
Revised Code with respect to the registration of persons who are 801
convicted of or plead guilty to either a sexually oriented offense 802
that is not a registration-exempt sexually oriented offense or a 803
child-victim oriented offense and with respect to all other duties 804
imposed on the bureau under that chapter. 805

(5) The bureau shall perform centralized recordkeeping 806
functions for criminal history records and services in this state 807
for purposes of the national crime prevention and privacy compact 808
set forth in section 109.571 of the Revised Code and is the 809
criminal history record repository as defined in that section for 810
purposes of that compact. The superintendent or the 811
superintendent's designee is the compact officer for purposes of 812
that compact and shall carry out the responsibilities of the 813
compact officer specified in that compact. 814

(B) The superintendent shall prepare and furnish to every 815
county, multicounty, municipal, municipal-county, or 816
multicounty-municipal jail or workhouse, community-based 817
correctional facility, halfway house, alternative residential 818
facility, or state correctional institution and to every clerk of 819
a court in this state specified in division (A)(2) of this section 820
standard forms for reporting the information required under 821
division (A) of this section. The standard forms that the 822
superintendent prepares pursuant to this division may be in a 823
tangible format, in an electronic format, or in both tangible 824
formats and electronic formats. 825

(C) The superintendent may operate a center for electronic, 826
automated, or other data processing for the storage and retrieval 827
of information, data, and statistics pertaining to criminals and 828
to children under eighteen years of age who are adjudicated 829
delinquent children for committing an act that would be a felony 830
or an offense of violence if committed by an adult, criminal 831
activity, crime prevention, law enforcement, and criminal justice, 832
and may establish and operate a statewide communications network 833
to gather and disseminate information, data, and statistics for 834
the use of law enforcement agencies. The superintendent may 835
gather, store, retrieve, and disseminate information, data, and 836
statistics that pertain to children who are under eighteen years 837

of age and that are gathered pursuant to sections 109.57 to 109.61 838
of the Revised Code together with information, data, and 839
statistics that pertain to adults and that are gathered pursuant 840
to those sections. In addition to any other authorized use of 841
information, data, and statistics of that nature, the 842
superintendent or the superintendent's designee may provide and 843
exchange the information, data, and statistics pursuant to the 844
national crime prevention and privacy compact as described in 845
division (A)(5) of this section. 846

(D) The information and materials furnished to the 847
superintendent pursuant to division (A) of this section and 848
information and materials furnished to any board or person under 849
division (F) or (G) of this section are not public records under 850
section 149.43 of the Revised Code. 851

(E) The attorney general shall adopt rules, in accordance 852
with Chapter 119. of the Revised Code, setting forth the procedure 853
by which a person may receive or release information gathered by 854
the superintendent pursuant to division (A) of this section. A 855
reasonable fee may be charged for this service. If a temporary 856
employment service submits a request for a determination of 857
whether a person the service plans to refer to an employment 858
position has been convicted of or pleaded guilty to an offense 859
listed in division (A)(1), (3), (4), (5), or (6) of section 860
109.572 of the Revised Code, the request shall be treated as a 861
single request and only one fee shall be charged. 862

(F)(1) As used in division (F)(2) of this section, "head 863
start agency" means an entity in this state that has been approved 864
to be an agency for purposes of subchapter II of the "Community 865
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 866
as amended. 867

(2)(a) In addition to or in conjunction with any request that 868

is required to be made under section 109.572, 2151.86, 3301.32, 869
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 870
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 871
education of any school district; the director of mental 872
retardation and developmental disabilities; any county board of 873
mental retardation and developmental disabilities; any entity 874
under contract with a county board of mental retardation and 875
developmental disabilities; the chief administrator of any 876
chartered nonpublic school; the chief administrator of any home 877
health agency; the chief administrator of or person operating any 878
child day-care center, type A family day-care home, or type B 879
family day-care home licensed or certified under Chapter 5104. of 880
the Revised Code; the administrator of any type C family day-care 881
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 882
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 883
general assembly; the chief administrator of any head start 884
agency; or the executive director of a public children services 885
agency may request that the superintendent of the bureau 886
investigate and determine, with respect to any individual who has 887
applied for employment in any position after October 2, 1989, or 888
any individual wishing to apply for employment with a board of 889
education may request, with regard to the individual, whether the 890
bureau has any information gathered under division (A) of this 891
section that pertains to that individual. On receipt of the 892
request, the superintendent shall determine whether that 893
information exists and, upon request of the person, board, or 894
entity requesting information, also shall request from the federal 895
bureau of investigation any criminal records it has pertaining to 896
that individual. The superintendent or the superintendent's 897
designee also may request criminal history records from other 898
states or the federal government pursuant to the national crime 899
prevention and privacy compact set forth in section 109.571 of the 900
Revised Code. Within thirty days of the date that the 901

superintendent receives a request, the superintendent shall send 902
to the board, entity, or person a report of any information that 903
the superintendent determines exists, including information 904
contained in records that have been sealed under section 2953.32 905
of the Revised Code, and, within thirty days of its receipt, shall 906
send the board, entity, or person a report of any information 907
received from the federal bureau of investigation, other than 908
information the dissemination of which is prohibited by federal 909
law. 910

(b) When a board of education is required to receive 911
information under this section as a prerequisite to employment of 912
an individual pursuant to section 3319.39 of the Revised Code, it 913
may accept a certified copy of records that were issued by the 914
bureau of criminal identification and investigation and that are 915
presented by an individual applying for employment with the 916
district in lieu of requesting that information itself. In such a 917
case, the board shall accept the certified copy issued by the 918
bureau in order to make a photocopy of it for that individual's 919
employment application documents and shall return the certified 920
copy to the individual. In a case of that nature, a district only 921
shall accept a certified copy of records of that nature within one 922
year after the date of their issuance by the bureau. 923

(3) The state board of education may request, with respect to 924
any individual who has applied for employment after October 2, 925
1989, in any position with the state board or the department of 926
education, any information that a school district board of 927
education is authorized to request under division (F)(2) of this 928
section, and the superintendent of the bureau shall proceed as if 929
the request has been received from a school district board of 930
education under division (F)(2) of this section. 931

(4) When the superintendent of the bureau receives a request 932
for information under section 3319.291 of the Revised Code, the 933

superintendent shall proceed as if the request has been received 934
from a school district board of education under division (F)(2) of 935
this section. 936

(5) When a recipient of a classroom reading improvement grant 937
paid under section 3301.86 of the Revised Code requests, with 938
respect to any individual who applies to participate in providing 939
any program or service funded in whole or in part by the grant, 940
the information that a school district board of education is 941
authorized to request under division (F)(2)(a) of this section, 942
the superintendent of the bureau shall proceed as if the request 943
has been received from a school district board of education under 944
division (F)(2)(a) of this section. 945

(G) In addition to or in conjunction with any request that is 946
required to be made under section ~~173.41~~, 3701.881, 3712.09, 947
3721.121, or 3722.151 of the Revised Code with respect to an 948
individual who has applied for employment in a position that 949
involves providing direct care to an older adult, the chief 950
administrator of a ~~PASSPORT~~ agency that provides services through 951
the ~~PASSPORT~~ program created under section ~~173.40~~ of the Revised 952
Code, home health agency, hospice care program, home licensed 953
under Chapter 3721. of the Revised Code, adult day-care program 954
operated pursuant to rules adopted under section 3721.04 of the 955
Revised Code, or adult care facility may request that the 956
superintendent of the bureau investigate and determine, with 957
respect to any individual who has applied after January 27, 1997, 958
for employment in a position that does not involve providing 959
direct care to an older adult, whether the bureau has any 960
information gathered under division (A) of this section that 961
pertains to that individual. ~~On~~ 962

In addition to or in conjunction with any request that is 963
required to be made under section 173.27 of the Revised Code with 964
respect to an individual who has applied for employment in a 965

position that involves providing ombudsperson services to 966
residents of long-term care facilities or recipients of 967
community-based long-term care services, the state long-term care 968
ombudsperson, ombudsperson's designee, or director of health may 969
request that the superintendent investigate and determine, with 970
respect to any individual who has applied for employment in a 971
position that does not involve providing such ombudsperson 972
services, whether the bureau has any information gathered under 973
division (A) of this section that pertains to that applicant. 974

In addition to or in conjunction with any request that is 975
required to be made under section 173.394 of the Revised Code with 976
respect to an individual who has applied for employment in a 977
position that involves providing direct care to an individual, the 978
chief administrator of a community-based long-term care agency may 979
request that the superintendent investigate and determine, with 980
respect to any individual who has applied for employment in a 981
position that does not involve providing direct care, whether the 982
bureau has any information gathered under division (A) of this 983
section that pertains to that applicant. 984

On receipt of ~~the~~ a request under this division, the 985
superintendent shall determine whether that information exists 986
and, on request of the ~~administrator~~ individual requesting 987
information, shall also request from the federal bureau of 988
investigation any criminal records it has pertaining to ~~that~~ 989
~~individual~~ the applicant. The superintendent or the 990
superintendent's designee also may request criminal history 991
records from other states or the federal government pursuant to 992
the national crime prevention and privacy compact set forth in 993
section 109.571 of the Revised Code. Within thirty days of the 994
date a request is received, the superintendent shall send to the 995
~~administrator~~ requester a report of any information determined to 996
exist, including information contained in records that have been 997

sealed under section 2953.32 of the Revised Code, and, within 998
thirty days of its receipt, shall send the ~~administrator~~ requester 999
a report of any information received from the federal bureau of 1000
investigation, other than information the dissemination of which 1001
is prohibited by federal law. 1002

(H) Information obtained by a ~~board, administrator,~~ 1003
government entity or ~~other~~ person under this section is 1004
confidential and shall not be released or disseminated. 1005

(I) The superintendent may charge a reasonable fee for 1006
providing information or criminal records under division (F)(2) or 1007
(G) of this section. 1008

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1009
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 1010
5153.111 of the Revised Code, a completed form prescribed pursuant 1011
to division (C)(1) of this section, and a set of fingerprint 1012
impressions obtained in the manner described in division (C)(2) of 1013
this section, the superintendent of the bureau of criminal 1014
identification and investigation shall conduct a criminal records 1015
check in the manner described in division (B) of this section to 1016
determine whether any information exists that indicates that the 1017
person who is the subject of the request previously has been 1018
convicted of or pleaded guilty to any of the following: 1019

(a) A violation of section 2903.01, 2903.02, 2903.03, 1020
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1021
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1022
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1023
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1024
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1025
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1026
2925.06, or 3716.11 of the Revised Code, felonious sexual 1027
penetration in violation of former section 2907.12 of the Revised 1028

Code, a violation of section 2905.04 of the Revised Code as it 1029
existed prior to July 1, 1996, a violation of section 2919.23 of 1030
the Revised Code that would have been a violation of section 1031
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1032
had the violation been committed prior to that date, or a 1033
violation of section 2925.11 of the Revised Code that is not a 1034
minor drug possession offense; 1035

(b) A violation of an existing or former law of this state, 1036
any other state, or the United States that is substantially 1037
equivalent to any of the offenses listed in division (A)(1)(a) of 1038
this section. 1039

(2) On receipt of a request pursuant to section 5123.081 of 1040
the Revised Code with respect to an applicant for employment in 1041
any position with the department of mental retardation and 1042
developmental disabilities, pursuant to section 5126.28 of the 1043
Revised Code with respect to an applicant for employment in any 1044
position with a county board of mental retardation and 1045
developmental disabilities, or pursuant to section 5126.281 of the 1046
Revised Code with respect to an applicant for employment in a 1047
direct services position with an entity contracting with a county 1048
board for employment, a completed form prescribed pursuant to 1049
division (C)(1) of this section, and a set of fingerprint 1050
impressions obtained in the manner described in division (C)(2) of 1051
this section, the superintendent of the bureau of criminal 1052
identification and investigation shall conduct a criminal records 1053
check. The superintendent shall conduct the criminal records check 1054
in the manner described in division (B) of this section to 1055
determine whether any information exists that indicates that the 1056
person who is the subject of the request has been convicted of or 1057
pleaded guilty to any of the following: 1058

(a) A violation of section 2903.01, 2903.02, 2903.03, 1059
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1060

2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1061
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1062
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1063
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1064
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1065
2925.03, or 3716.11 of the Revised Code; 1066

(b) An existing or former municipal ordinance or law of this 1067
state, any other state, or the United States that is substantially 1068
equivalent to any of the offenses listed in division (A)(2)(a) of 1069
this section. 1070

(3) On receipt of a request pursuant to section ~~173.41~~ 1071
173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised 1072
Code, a completed form prescribed pursuant to division (C)(1) of 1073
this section, and a set of fingerprint impressions obtained in the 1074
manner described in division (C)(2) of this section, the 1075
superintendent of the bureau of criminal identification and 1076
investigation shall conduct a criminal records check with respect 1077
to any person who has applied for employment in a position ~~that~~ 1078
~~involves providing direct care to an older adult~~ for which a 1079
criminal records check is required by those sections. The 1080
superintendent shall conduct the criminal records check in the 1081
manner described in division (B) of this section to determine 1082
whether any information exists that indicates that the person who 1083
is the subject of the request previously has been convicted of or 1084
pleaded guilty to any of the following: 1085

(a) A violation of section 2903.01, 2903.02, 2903.03, 1086
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1087
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1088
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1089
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1090
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1091
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1092

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code; 1093
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(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of
the offenses listed in division (A)(3)(a) of this section. 1095
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(4) On receipt of a request pursuant to section 3701.881 of
the Revised Code with respect to an applicant for employment with
a home health agency as a person responsible for the care,
custody, or control of a child, a completed form prescribed
pursuant to division (C)(1) of this section, and a set of
fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following: 1098
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(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a
violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense; 1112
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(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of 1122
1123

the offenses listed in division (A)(4)(a) of this section. 1124

(5) On receipt of a request pursuant to section 5111.95 or 1125
5111.96 of the Revised Code with respect to an applicant for 1126
employment with a waiver agency participating in a department of 1127
job and family services administered home and community-based 1128
waiver program or an independent provider participating in a 1129
department administered home and community-based waiver program in 1130
a position that involves providing home and community-based waiver 1131
services to consumers with disabilities, a completed form 1132
prescribed pursuant to division (C)(1) of this section, and a set 1133
of fingerprint impressions obtained in the manner described in 1134
division (C)(2) of this section, the superintendent of the bureau 1135
of criminal identification and investigation shall conduct a 1136
criminal records check. The superintendent shall conduct the 1137
criminal records check in the manner described in division (B) of 1138
this section to determine whether any information exists that 1139
indicates that the person who is the subject of the request 1140
previously has been convicted of or pleaded guilty to any of the 1141
following: 1142

(a) A violation of section 2903.01, 2903.02, 2903.03, 1143
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1144
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1145
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1146
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1147
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1148
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1149
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1150
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1151
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1152
Revised Code, felonious sexual penetration in violation of former 1153
section 2907.12 of the Revised Code, a violation of section 1154
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1155

violation of section 2919.23 of the Revised Code that would have 1156
been a violation of section 2905.04 of the Revised Code as it 1157
existed prior to July 1, 1996, had the violation been committed 1158
prior to that date; 1159

(b) An existing or former law of this state, any other state, 1160
or the United States that is substantially equivalent to any of 1161
the offenses listed in division (A)(5)(a) of this section. 1162

(6) On receipt of a request pursuant to section 3701.881 of 1163
the Revised Code with respect to an applicant for employment with 1164
a home health agency in a position that involves providing direct 1165
care to an older adult, a completed form prescribed pursuant to 1166
division (C)(1) of this section, and a set of fingerprint 1167
impressions obtained in the manner described in division (C)(2) of 1168
this section, the superintendent of the bureau of criminal 1169
identification and investigation shall conduct a criminal records 1170
check. The superintendent shall conduct the criminal records check 1171
in the manner described in division (B) of this section to 1172
determine whether any information exists that indicates that the 1173
person who is the subject of the request previously has been 1174
convicted of or pleaded guilty to any of the following: 1175

(a) A violation of section 2903.01, 2903.02, 2903.03, 1176
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1177
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1178
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1179
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1180
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1181
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1182
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1183
2925.22, 2925.23, or 3716.11 of the Revised Code; 1184

(b) An existing or former law of this state, any other state, 1185
or the United States that is substantially equivalent to any of 1186

the offenses listed in division (A)(6)(a) of this section. 1187

(7) When conducting a criminal records check upon a request 1188
pursuant to section 3319.39 of the Revised Code for an applicant 1189
who is a teacher, in addition to the determination made under 1190
division (A)(1) of this section, the superintendent shall 1191
determine whether any information exists that indicates that the 1192
person who is the subject of the request previously has been 1193
convicted of or pleaded guilty to any offense specified in section 1194
3319.31 of the Revised Code. 1195

(8) On a request pursuant to section 2151.86 of the Revised 1196
Code, a completed form prescribed pursuant to division (C)(1) of 1197
this section, and a set of fingerprint impressions obtained in the 1198
manner described in division (C)(2) of this section, the 1199
superintendent of the bureau of criminal identification and 1200
investigation shall conduct a criminal records check in the manner 1201
described in division (B) of this section to determine whether any 1202
information exists that indicates that the person who is the 1203
subject of the request previously has been convicted of or pleaded 1204
guilty to any of the following: 1205

(a) A violation of section 2903.01, 2903.02, 2903.03, 1206
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1207
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1208
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1209
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1210
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1211
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1212
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1213
violation of section 2905.04 of the Revised Code as it existed 1214
prior to July 1, 1996, a violation of section 2919.23 of the 1215
Revised Code that would have been a violation of section 2905.04 1216
of the Revised Code as it existed prior to July 1, 1996, had the 1217
violation been committed prior to that date, a violation of 1218

section 2925.11 of the Revised Code that is not a minor drug 1219
possession offense, or felonious sexual penetration in violation 1220
of former section 2907.12 of the Revised Code; 1221

(b) A violation of an existing or former law of this state, 1222
any other state, or the United States that is substantially 1223
equivalent to any of the offenses listed in division (A)(8)(a) of 1224
this section. 1225

(9) When conducting a criminal records check on a request 1226
pursuant to section 5104.013 of the Revised Code for a person who 1227
is an owner, licensee, or administrator of a child day-care center 1228
or type A family day-care home or an authorized provider of a 1229
certified type B family day-care home, the superintendent, in 1230
addition to the determination made under division (A)(1) of this 1231
section, shall determine whether any information exists that 1232
indicates that the person has been convicted of or pleaded guilty 1233
to any of the following: 1234

(a) A violation of section 2913.02, 2913.03, 2913.04, 1235
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1236
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1237
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1238
2921.13, or 2923.01 of the Revised Code, a violation of section 1239
2923.02 or 2923.03 of the Revised Code that relates to a crime 1240
specified in this division or division (A)(1)(a) of this section, 1241
or a second violation of section 4511.19 of the Revised Code 1242
within five years of the date of application for licensure or 1243
certification. 1244

(b) A violation of an existing or former law of this state, 1245
any other state, or the United States that is substantially 1246
equivalent to any of the offenses or violations described in 1247
division (A)(9)(a) of this section. 1248

(10) On receipt of a request for a criminal records check 1249

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(11) Not later than thirty days after the date the superintendent receives the request, completed form, and fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (10) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant

who may be both responsible for the care, custody, or control of a
child and involved in providing direct care to an older adult, the
superintendent shall provide a list of the offenses specified in
divisions (A)(4) and (6) of this section.

(B) The superintendent shall conduct any criminal records
check requested under section 121.08, ~~173.41~~ 173.27, 173.394,
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,
3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96,
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as
follows:

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

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

(3) The superintendent or the superintendent's designee may
request criminal history records from other states or the federal
government pursuant to the national crime prevention and privacy
compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain
the information necessary to conduct a criminal records check from
any person for whom a criminal records check is required by
section 121.08, ~~173.41~~ 173.27, 173.394, 2151.86, 3301.32,

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1313
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1314
5126.281, or 5153.111 of the Revised Code. The form that the 1315
superintendent prescribes pursuant to this division may be in a 1316
tangible format, in an electronic format, or in both tangible and 1317
electronic formats. 1318

(2) The superintendent shall prescribe standard impression 1319
sheets to obtain the fingerprint impressions of any person for 1320
whom a criminal records check is required by section 121.08, 1321
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1322
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1323
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1324
5153.111 of the Revised Code. Any person for whom a records check 1325
is required by any of those sections shall obtain the fingerprint 1326
impressions at a county sheriff's office, municipal police 1327
department, or any other entity with the ability to make 1328
fingerprint impressions on the standard impression sheets 1329
prescribed by the superintendent. The office, department, or 1330
entity may charge the person a reasonable fee for making the 1331
impressions. The standard impression sheets the superintendent 1332
prescribes pursuant to this division may be in a tangible format, 1333
in an electronic format, or in both tangible and electronic 1334
formats. 1335

(3) Subject to division (D) of this section, the 1336
superintendent shall prescribe and charge a reasonable fee for 1337
providing a criminal records check requested under section 121.08, 1338
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1339
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1340
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1341
5153.111 of the Revised Code. The person making a criminal records 1342
request under section 121.08, ~~173.41~~ 173.27, 173.394, 2151.86, 1343
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1344

4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1345
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1346
fee prescribed pursuant to this division. A person making a 1347
request under section 3701.881 of the Revised Code for a criminal 1348
records check for an applicant who may be both responsible for the 1349
care, custody, or control of a child and involved in providing 1350
direct care to an older adult shall pay one fee for the request. 1351

(4) The superintendent of the bureau of criminal 1352
identification and investigation may prescribe methods of 1353
forwarding fingerprint impressions and information necessary to 1354
conduct a criminal records check, which methods shall include, but 1355
not be limited to, an electronic method. 1356

(D) A determination whether any information exists that 1357
indicates that a person previously has been convicted of or 1358
pleaded guilty to any offense listed or described in division 1359
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1360
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 1361
or (A)(9)(a) or (b) of this section that is made by the 1362
superintendent with respect to information considered in a 1363
criminal records check in accordance with this section is valid 1364
for the person who is the subject of the criminal records check 1365
for a period of one year from the date upon which the 1366
superintendent makes the determination. During the period in which 1367
the determination in regard to a person is valid, if another 1368
request under this section is made for a criminal records check 1369
for that person, the superintendent shall provide the information 1370
that is the basis for the superintendent's initial determination 1371
at a lower fee than the fee prescribed for the initial criminal 1372
records check. 1373

(E) As used in this section: 1374

(1) "Criminal records check" means any criminal records check 1375
conducted by the superintendent of the bureau of criminal 1376

identification and investigation in accordance with division (B) 1377
of this section. 1378

(2) "Home and community-based waiver services" and "waiver 1379
agency" have the same meanings as in section 5111.95 of the 1380
Revised Code. 1381

(3) "Independent provider" has the same meaning as in section 1382
5111.96 of the Revised Code. 1383

(4) "Minor drug possession offense" has the same meaning as 1384
in section 2925.01 of the Revised Code. 1385

(5) "Older adult" means a person age sixty or older. 1386

Sec. 113.09. Except as provided in section 113.10 of the 1387
Revised Code, all moneys deposited with the treasurer of state, 1388
the disposition of which is not otherwise provided for by law, 1389
shall be credited to the general revenue fund, which is hereby 1390
created in the state treasury. If a warrant for the payment of 1391
money from the state treasury has been illegally or improperly 1392
issued ~~by the auditor of state~~, or the amount of a warrant issued 1393
~~by him~~ exceeds the sum ~~which~~ that should have been named therein, 1394
and payment of such warrant or excess has been made by the 1395
treasurer of state, the director of budget and management shall, 1396
unless the account of the appropriation from which it was paid has 1397
been closed, credit the amount collected to such appropriation; 1398
but, if such account has been closed, ~~he~~ the director shall credit 1399
the amount so collected to the fund on which the warrant was 1400
originally drawn. 1401

All investment earnings on moneys deposited in the state 1402
treasury shall be credited to the general revenue fund unless: 1403

(A) The disposition of the earnings is otherwise provided for 1404
by law; 1405

(B) The director ~~of budget and management~~ has provided in the 1406

plan approved under section 131.36 of the Revised Code that a 1407
different fund is entitled to the earnings. 1408

Sec. 113.11. No money shall be paid out of the state treasury 1409
or transferred elsewhere except on the warrant of the ~~auditor of~~ 1410
~~state~~ director of budget and management. No money shall be paid 1411
out of a custodial fund of the treasurer of state except on proper 1412
order to the treasurer of state by the officer authorized by law 1413
to pay money out of the fund. 1414

The treasurer of state shall adopt rules prescribing the form 1415
and manner in which money may be paid out of the state treasury or 1416
a custodial fund of the treasurer of state. 1417

Sec. 113.12. The treasurer of state, on presentation, shall 1418
pay all warrants drawn on ~~him~~ the treasurer of state by the 1419
~~auditor of state~~ director of budget and management. At least once 1420
each month the treasurer of state shall surrender to the ~~auditor~~ 1421
~~of state~~ director all warrants the treasurer of state has paid and 1422
shall accept the receipt of the ~~auditor of state~~ director 1423
therefor. The receipt shall be held by the treasurer of state in 1424
place of such warrants and as evidence of their payment until an 1425
audit of the state treasury and the custodial funds of the 1426
treasurer of state has been completed. 1427

Sec. 120.36. (A) ~~If~~ (1) Subject to division (A)(2), (3), (4), 1428
(5), or (6) of this section, if a person who is a defendant in a 1429
criminal case or a party in a case in juvenile court requests or 1430
is provided a state public defender, a county or joint county 1431
public defender, or any other counsel appointed by the court, the 1432
court in which the criminal case is initially filed or the 1433
juvenile court, whichever is applicable, shall assess, unless the 1434
application fee is waived or reduced, a non-refundable application 1435
fee of twenty-five dollars. 1436

The court shall direct the person to pay the application fee 1437
to the clerk of court. The person shall pay the application fee to 1438
the clerk of court at the time the person files an affidavit of 1439
indigency or a financial disclosure form with the court, a state 1440
public defender, a county or joint county public defender, or any 1441
other counsel appointed by the court or within seven days of that 1442
date. If the person does not pay the application fee within that 1443
seven-day period, the court shall assess the application fee at 1444
sentencing or at the final disposition of the case. 1445

~~If a case involving a felony that was initially filed in a 1446
municipal court or a county court is bound over to the court of 1447
common pleas and the defendant in the case failed to pay the 1448
application fee in the municipal court or county court, the court 1449
of common pleas shall assess the application fee at the initial 1450
appearance of the defendant in the court of common pleas. If a 1451
case involving an alleged delinquent child is transferred to the 1452
court of common pleas for prosecution of the involved child as an 1453
adult and if the involved child failed to pay the fee in the 1454
juvenile court, the court of common pleas shall assess the 1455
application fee at the initial appearance of the child in the 1456
court of common pleas. 1457~~

(2) For purposes of this section, a criminal case includes 1458
any case involving a violation of any provision of the Revised 1459
Code or of an ordinance of a municipal corporation for which the 1460
potential penalty includes loss of liberty and includes any 1461
contempt proceeding in which a court may impose a term of 1462
imprisonment. 1463

(3) In a juvenile court proceeding, the court shall not 1464
assess the application fee against a child if the court appoints a 1465
guardian ad litem for the child or the court appoints an attorney 1466
to represent the child at the request of a guardian ad litem. 1467

(4) The court shall not assess an application fee for a 1468
postconviction proceeding or when the defendant files an appeal. 1469

(5)(a) Except when the court assesses an application fee 1470
pursuant to division (A)(5)(b) of this section, the court shall 1471
assess an application fee when a person is charged with a 1472
violation of a community control sanction or a violation of a 1473
post-release control sanction. 1474

(b) If a charge of violating a community control sanction or 1475
post-release control sanction described in division (A)(5)(a) of 1476
this section results in a person also being charged with violating 1477
any provision of the Revised Code or an ordinance of a municipal 1478
corporation, the court shall only assess an application fee for 1479
the case that results from the additional charge. 1480

(6) If a case is transferred from one court to another court 1481
and the person failed to pay the application fee to the court that 1482
initially assessed the application fee, the court that initially 1483
assessed the fee shall remove the assessment, and the court to 1484
which the case was transferred shall assess the application fee. 1485

(7) The court shall assess an application fee pursuant to 1486
this section one time per case. ~~An appeal shall not be considered~~ 1487
~~a separate case for the purpose of assessing the application fee~~ 1488
For purposes of assessing the application fee, a case means one 1489
complete proceeding or trial held in one court for a person on an 1490
indictment, information, complaint, petition, citation, writ, 1491
motion, or other document initiating a case that arises out of a 1492
single incident or a series of related incidents, or when one 1493
individual is charged with two or more offenses that the court 1494
handles simultaneously. The court may waive or reduce the fee for 1495
a specific person in a specific case upon a finding that the 1496
person lacks financial resources that are sufficient to pay the 1497
fee or that payment of the fee would result in an undue hardship. 1498

(B) No court, state public defender, county or joint county public defender, or other counsel appointed by the court shall deny a person the assistance of counsel solely due to the person's failure to pay the application fee assessed pursuant to division (A) of this section. A person's present inability, failure, or refusal to pay the application fee shall not disqualify that person from legal representation.

(C) The application fee assessed pursuant to division (A) of this section is separate from and in addition to any other amount assessed against a person who is found to be able to contribute toward the cost of the person's legal representation pursuant to division (D) of section 2941.51 of the Revised Code.

(D) The clerk of the court that assessed the fees shall forward all application fees collected pursuant to this section to the county treasurer for deposit in the county treasury. The county shall retain eighty per cent of the application fees so collected to offset the costs of providing legal representation to indigent persons. ~~Each~~ Not later than the last day of each month, the county auditor shall remit twenty per cent of the application fees so collected to the state public defender. The state public defender shall deposit the remitted fees into the state treasury to the credit of the client payment fund created pursuant to division (B)(5) of section 120.04 of the Revised Code. The state public defender may use that money in accordance with that section.

(E) On or before the ~~first day of March of each year~~ twentieth day of each month beginning in the year 2007, each clerk of court shall provide to the state public defender ~~and the state auditor~~ a report including all of the following:

(1) The number of persons in the previous ~~calendar year~~ month who requested or were provided a state public defender, county or

joint county public defender, or other counsel appointed by the 1530
court; 1531

(2) The number of persons in the previous ~~calendar year~~ month 1532
for whom the court waived the application fee pursuant to division 1533
(A) of this section; 1534

(3) The dollar value of the assessed application fees 1535
pursuant to division (A) of this section in the previous ~~calendar~~ 1536
~~year~~ month; 1537

(4) The amount of assessed application fees collected in the 1538
previous ~~calendar year~~ month; 1539

(5) The balance of unpaid assessed application fees at the 1540
open and close of the previous ~~calendar year~~ month. 1541

(F) As used in this section: 1542

(1) "Clerk of court" means the clerk of the court of common 1543
pleas of the county, the clerk of the juvenile court of the 1544
county, the clerk of the domestic relations division of the court 1545
of common pleas of the county, the clerk of the probate court of 1546
the county, the clerk of a municipal court in the county, the 1547
clerk of a county-operated municipal court, or the clerk of a 1548
county court in the county, whichever is applicable. 1549

(2) "County-operated municipal court" has the same meaning as 1550
in section 1901.03 of the Revised Code. 1551

Sec. 120.52. There is hereby established in the state 1552
treasury the legal aid fund, which shall be for the charitable 1553
public purpose of providing financial assistance to legal aid 1554
societies that provide civil legal services to indigents. The fund 1555
shall contain all funds credited to it by the treasurer of state 1556
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 1557
4705.09₁ and 4705.10 of the Revised Code ~~and income from~~ 1558
~~investment credited to it by the treasurer of state in accordance~~ 1559

~~with this section.~~ 1560

The treasurer of state may invest moneys contained in the 1561
legal aid fund in any manner authorized by the Revised Code for 1562
the investment of state moneys. However, no such investment shall 1563
interfere with any apportionment, allocation, or payment of moneys 1564
~~in January and July of each calendar year,~~ as required by section 1565
120.53 of the Revised Code. ~~All income earned as a result of any~~ 1566
~~such investment shall be credited to the fund.~~ 1567

The state public defender, through the Ohio legal assistance 1568
foundation, shall administer the payment of moneys out of the 1569
fund. Four and one-half per cent of the moneys in the fund shall 1570
be reserved for the actual, reasonable costs of administering 1571
sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 1572
3953.231, 4705.09, and 4705.10 of the Revised Code. Moneys that 1573
are reserved for administrative costs but that are not used for 1574
actual, reasonable administrative costs shall be set aside for use 1575
in the manner described in division (A) of section 120.521 of the 1576
Revised Code. The remainder of the moneys in the legal aid fund 1577
shall be distributed in accordance with section 120.53 of the 1578
Revised Code. The Ohio legal assistance foundation shall 1579
establish, in accordance with Chapter 119. of the Revised Code, 1580
rules governing the administration of the legal aid fund, 1581
including the programs established under sections 1901.26, 1582
1907.24, 2303.201, 4705.09, and 4705.10 of the Revised Code 1583
regarding interest on interest-bearing trust accounts of an 1584
attorney, law firm, or legal professional association. 1585

Sec. 120.521. (A) The state public defender shall establish a 1586
charitable, tax exempt foundation, named the Ohio legal assistance 1587
foundation, to actively solicit and accept gifts, bequests, 1588
donations, and contributions for use in providing financial 1589
assistance to legal aid societies, enhancing or improving the 1590

delivery of civil legal services to indigents, and operating the 1591
foundation. The Ohio legal assistance foundation shall deposit all 1592
gifts, bequests, donations, and contributions accepted by it into 1593
the legal assistance foundation fund established under this 1594
section. If the state public defender, pursuant to section 120.52 1595
of the Revised Code as it existed prior to the effective date of 1596
this section, established a charitable, tax exempt foundation 1597
named the Ohio legal assistance foundation and if that foundation 1598
is in existence on the day before the effective date of this 1599
section, that foundation shall continue in existence and shall 1600
serve as the Ohio legal assistance foundation described in this 1601
section. 1602

There is hereby established the legal assistance foundation 1603
fund, which shall be under the custody and control of the Ohio 1604
legal assistance foundation. The fund shall contain all moneys 1605
distributed to the Ohio legal assistance foundation pursuant to 1606
section 120.53 of the Revised Code and all gifts, bequests, 1607
donations, and contributions accepted by the Ohio legal assistance 1608
foundation under this section. 1609

The Ohio legal assistance foundation shall distribute or use 1610
all moneys in the legal assistance foundation fund for the 1611
charitable public purpose of providing financial assistance to 1612
legal aid societies that provide civil legal services to 1613
indigents, enhancing or improving the delivery of civil legal 1614
services to indigents, and operating the foundation. The Ohio 1615
legal assistance foundation shall establish rules governing the 1616
administration of the legal assistance foundation fund. 1617

The Ohio legal assistance foundation shall include, in the 1618
annual report it is required to make to the governor, the general 1619
assembly, and the supreme court pursuant to division (G)(2) of 1620
section 120.53 of the Revised Code, an audited financial statement 1621
on the distribution and use of the legal assistance foundation 1622

fund. No information contained in the statement shall identify or 1623
enable the identification of any person served by a legal aid 1624
society or in any way breach confidentiality. 1625

(B) A foundation is tax exempt for purposes of this section 1626
if the foundation is exempt from federal income taxation under 1627
subsection 501(a) of the "Internal Revenue Code of 1986," 100 1628
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 1629
has received from the internal revenue service a determination 1630
letter that is in effect stating that the foundation is exempt 1631
from federal income taxation under that subsection. 1632

Sec. 120.53. (A) A legal aid society that operates within the 1633
state may apply to the Ohio legal assistance foundation for 1634
financial assistance from the legal aid fund established by 1635
section 120.52 of the Revised Code to be used for the funding of 1636
the society during the calendar year following the calendar year 1637
in which application is made. 1638

(B) An application for financial assistance made under 1639
division (A) of this section shall be submitted by the first day 1640
of November of the calendar year preceding the calendar year for 1641
which financial assistance is desired and shall include all of the 1642
following: 1643

(1) Evidence that the applicant is incorporated in this state 1644
as a nonprofit corporation; 1645

(2) A list of the trustees of the applicant; 1646

(3) The proposed budget of the applicant for these funds for 1647
the following calendar year; 1648

(4) A summary of the services to be offered by the applicant 1649
in the following calendar year; 1650

(5) A specific description of the territory or constituency 1651
served by the applicant; 1652

(6) An estimate of the number of persons to be served by the applicant during the following calendar year; 1653
1654

(7) A general description of the additional sources of the applicant's funding; 1655
1656

(8) The amount of the applicant's total budget for the calendar year in which the application is filed that it will expend in that calendar year for legal services in each of the counties it serves; 1657
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(9) A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs. 1661
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(C) The Ohio legal assistance foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year is eligible for financial assistance under this section. To be eligible for such financial assistance, an applicant shall satisfy the criteria for being a legal aid society and shall be in compliance with the provisions of sections 120.51 to 120.55 of the Revised Code and with the rules and requirements the foundation establishes pursuant to section 120.52 of the Revised Code. The Ohio legal assistance foundation then, on or before the fifteenth day of December of the calendar year in which the application is filed, shall notify each such applicant, in writing, whether it is eligible for financial assistance under this section, and if it is eligible, estimate the amount that will be available for that applicant for each six-month distribution period, as determined under division (D) of this section. 1667
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(D) The Ohio legal assistance foundation shall allocate 1683

moneys contained in the legal aid fund ~~twice each year~~ monthly for 1684
distribution to applicants that filed their applications in the 1685
previous calendar year and ~~were~~ are determined to be eligible 1686
applicants. 1687

All moneys contained in the fund on the first day of ~~January~~ 1688
~~of a calendar year~~ each month shall be allocated, after deduction 1689
of the costs of administering sections 120.51 to 120.55 and 1690
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 1691
4705.10 of the Revised Code that are authorized by section 120.52 1692
of the Revised Code, according to this section and shall be 1693
distributed accordingly ~~on the thirty first day of January of that~~ 1694
~~calendar year, and all moneys contained in the fund on the first~~ 1695
~~day of July of that calendar year shall be allocated, after~~ 1696
~~deduction of the costs of administering those sections that are~~ 1697
~~authorized by section 120.52 of the Revised Code, according to~~ 1698
~~this section and shall be distributed accordingly on the~~ 1699
~~thirty first day of July of that calendar year~~ not later than the 1700
last day of the month following the month the moneys were 1701
received. In making the allocations under this section, the moneys 1702
in the fund that were generated pursuant to sections 1901.26, 1703
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 1704
Code ~~and all income generated from the investment of such moneys~~ 1705
shall be apportioned as follows: 1706

(1) After deduction of the amount authorized and used for 1707
actual, reasonable administrative costs under section 120.52 of 1708
the Revised Code: 1709

(a) Five per cent of the moneys remaining in the fund shall 1710
be reserved for use in the manner described in division (A) of 1711
section 120.521 of the Revised Code or for distribution to legal 1712
aid societies that provide assistance to special population groups 1713
of their eligible clients, engage in special projects that have a 1714
substantial impact on their local service area or on significant 1715

segments of the state's poverty population, or provide legal 1716
training or support to other legal aid societies in the state; 1717

(b) After deduction of the amount described in division 1718
(D)(1)(a) of this section, one and three-quarters per cent of the 1719
moneys remaining in the fund shall be apportioned among entities 1720
that received financial assistance from the legal aid fund prior 1721
to the effective date of this amendment but that, on and after the 1722
effective date of this amendment, no longer qualify as a legal aid 1723
society that is eligible for financial assistance under this 1724
section. 1725

(c) After deduction of the amounts described in divisions 1726
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 1727
remaining in the fund shall be placed in the legal assistance 1728
foundation fund for use in the manner described in division (A) of 1729
section 120.521 of the Revised Code. 1730

(2) After deduction of the actual, reasonable administrative 1731
costs under section 120.52 of the Revised Code and after deduction 1732
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 1733
this section, the remaining moneys shall be apportioned among the 1734
counties that are served by eligible legal aid societies that have 1735
applied for financial assistance under this section so that each 1736
such county is apportioned a portion of those moneys, based upon 1737
the ratio of the number of indigents who reside in that county to 1738
the total number of indigents who reside in all counties of this 1739
state that are served by eligible legal aid societies that have 1740
applied for financial assistance under this section. Subject to 1741
division (E) of this section, the moneys apportioned to a county 1742
under this division then shall be allocated to the eligible legal 1743
aid society that serves the county and that has applied for 1744
financial assistance under this section. For purposes of this 1745
division, the source of data identifying the number of indigent 1746
persons who reside in a county shall be the most recent decennial 1747

census figures from the United States department of commerce, 1748
division of census. 1749

(E) If the Ohio legal assistance foundation, in attempting to 1750
make an allocation of moneys under division (D)(2) of this 1751
section, determines that a county that has been apportioned money 1752
under that division is served by more than one eligible legal aid 1753
society that has applied for financial assistance under this 1754
section, the Ohio legal assistance foundation shall allocate the 1755
moneys that have been apportioned to that county under division 1756
(D)(2) of this section among all eligible legal aid societies that 1757
serve that county and that have applied for financial assistance 1758
under this section on a pro rata basis, so that each such eligible 1759
society is allocated a portion based upon the amount of its total 1760
budget expended in the prior calendar year for legal services in 1761
that county as compared to the total amount expended in the prior 1762
calendar year for legal services in that county by all eligible 1763
legal aid societies that serve that county and that have applied 1764
for financial assistance under this section. 1765

(F) Moneys allocated to eligible applicants under this 1766
section shall be paid ~~twice annually, on the thirty first day of~~ 1767
~~January and on the thirty first day of July of~~ monthly beginning 1768
the calendar year following the calendar year in which the 1769
application is filed. 1770

(G)(1) A legal aid society that receives financial assistance 1771
in any calendar year under this section shall file an annual 1772
report with the Ohio legal assistance foundation detailing the 1773
number and types of cases handled, and the amount and types of 1774
legal training, legal technical assistance, and other service 1775
provided, by means of that financial assistance. No information 1776
contained in the report shall identify or enable the 1777
identification of any person served by the legal aid society or in 1778
any way breach client confidentiality. 1779

(2) The Ohio legal assistance foundation shall make an annual report to the governor, the general assembly, and the supreme court on the distribution and use of the legal aid fund. The foundation also shall include in the annual report an audited financial statement of all gifts, bequests, donations, contributions, and other moneys the foundation receives. No information contained in the report shall identify or enable the identification of any person served by a legal aid society, or in any way breach confidentiality.

(H) A legal aid society may enter into agreements for the provision of services, programs, training, or legal technical assistance for the legal aid society or to indigent persons.

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

In the department of commerce:

Commissioner of securities;

Superintendent of real estate and professional

licensing;

Superintendent of financial institutions;

Fire marshal;

Superintendent of labor and worker safety;

~~Beginning on July 1, 1997,~~

Superintendent of liquor control;

Superintendent of industrial compliance;

Superintendent of professional regulation.

In the department of administrative services:

State architect and engineer;

Equal employment opportunity coordinator.

In the department of agriculture:

Chiefs of divisions as follows:

Administration;	1809
Animal industry;	1810
Dairy;	1811
Food safety;	1812
Plant industry;	1813
Markets;	1814
Meat inspection;	1815
Consumer analytical laboratory;	1816
Amusement ride safety;	1817
Enforcement;	1818
Weights and measures.	1819
In the department of natural resources:	1820
Chiefs of divisions as follows:	1821
Water;	1822
Mineral resources management;	1823
Forestry;	1824
Natural areas and preserves;	1825
Wildlife;	1826
Geological survey;	1827
Parks and recreation;	1828
Watercraft;	1829
Recycling and litter prevention;	1830
Soil and water conservation;	1831
Real estate and land management;	1832
Engineering.	1833
In the department of insurance:	1834
Deputy superintendent of insurance;	1835
Assistant superintendent of insurance, technical;	1836
Assistant superintendent of insurance, administrative;	1837
Assistant superintendent of insurance, research.	1838
<u>Sec. 121.086. (A) There is hereby created in the department</u>	1839

<u>of commerce the division of professional regulation. Effective</u>	1840
<u>July 1, 2007, the following boards and commissions comprise the</u>	1841
<u>division of professional regulation:</u>	1842
<u>(1) The Ohio athletic commission created by Chapter 3773. of</u>	1843
<u>the Revised Code;</u>	1844
<u>(2) The barber board created by Chapter 4709. of the Revised</u>	1845
<u>Code;</u>	1846
<u>(3) The state board of cosmetology created by Chapter 4713.</u>	1847
<u>of the Revised Code;</u>	1848
<u>(4) The board of embalmers and funeral directors created by</u>	1849
<u>Chapter 4717. of the Revised Code;</u>	1850
<u>(5) The state board of optometry created by Chapter 4725. of</u>	1851
<u>the Revised Code;</u>	1852
<u>(6) The Ohio optical dispensers board created by Chapter</u>	1853
<u>4725. of the Revised Code;</u>	1854
<u>(7) The state board of psychology created by Chapter 4732. of</u>	1855
<u>the Revised Code;</u>	1856
<u>(8) The state chiropractic board created by Chapter 4734. of</u>	1857
<u>the Revised Code;</u>	1858
<u>(9) The state board of sanitarian registration created by</u>	1859
<u>Chapter 4736. of the Revised Code;</u>	1860
<u>(10) The veterinary medical licensing board created by</u>	1861
<u>Chapter 4741. of the Revised Code;</u>	1862
<u>(11) The board of speech-language pathology and audiology</u>	1863
<u>created by Chapter 4753. of the Revised Code;</u>	1864
<u>(12) The Ohio occupational therapy, physical therapy, and</u>	1865
<u>athletic trainers board created by Chapter 4755. of the Revised</u>	1866
<u>Code;</u>	1867

<u>(13) The counselor, social worker, and marriage and family therapist board created by Chapter 4757. of the Revised Code;</u>	1868
	1869
<u>(14) The chemical dependency professionals board created by Chapter 4758. of the Revised Code;</u>	1870
	1871
<u>(15) The Ohio board of dietetics created by Chapter 4759. of the Revised Code;</u>	1872
	1873
<u>(16) The Ohio respiratory care board created by Chapter 4761. of the Revised Code;</u>	1874
	1875
<u>(17) The Ohio medical transportation board created by Chapter 4766. of the Revised Code;</u>	1876
	1877
<u>(18) The board of motor vehicle collision repair registration created by Chapter 4775. of the Revised Code;</u>	1878
	1879
<u>(19) The state board of orthotics, prosthetics, and pedorthics created by Chapter 4779. of the Revised Code;</u>	1880
	1881
<u>(20) The manufactured homes commission created by Chapter 4781. of the Revised Code.</u>	1882
	1883
<u>(B) The director of commerce shall appoint the superintendent of professional regulation. At the direction of the director and in accordance with the Revised Code chapters referenced in division (A) of this section, the superintendent shall appoint an executive director for each board and commission in the division of professional regulation. The superintendent shall employ all investigators and other staff for each board and commission and is responsible for the administrative functions of all the boards and commissions in the division. Notwithstanding any chapter referenced in division (A) of this section, the superintendent shall determine which functions of a board or commission are administrative.</u>	1884
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	1895
Sec. 121.11. (A) Each officer whose office is created by	1896

sections 121.02, 121.04, and 121.05 of the Revised Code, before 1897
entering upon the duties of office, shall take and subscribe an 1898
oath of office as provided by law and give bond, conditioned 1899
according to law, with security to be approved by the governor in 1900
the penal sum, not less than ten thousand dollars, fixed by the 1901
governor. The department of administrative services may procure 1902
from any duly authorized corporate surety a blanket bond covering 1903
the officers described in those sections and any other officers 1904
the governor designates. The bond and oath of the officers 1905
described in those sections shall be filed in the office of the 1906
secretary of state. 1907

(B) The director of commerce shall require each executive 1908
director appointed by the superintendent of professional 1909
regulation to serve a board or commission to give bond in the 1910
amount the governor prescribes. 1911

The director of each department, with the approval of the 1912
governor, may require any chief of a division, or any officer or 1913
employee in the director's department, to give bond in the amount 1914
the governor prescribes. ~~The~~ 1915

The bond or bonds required or authorized by this division 1916
may, in the discretion of the director, be individual, schedule, 1917
or blanket bonds. 1918

(C) The premium on any bond required or authorized by this 1919
section may be paid from the state treasury. 1920

Sec. 121.37. (A)(1) There is hereby created the Ohio family 1921
and children first cabinet council. The council shall be composed 1922
of the superintendent of public instruction and the directors of 1923
youth services, job and family services, mental health, health, 1924
alcohol and drug addiction services, mental retardation and 1925
developmental disabilities, and budget and management. The 1926
chairperson of the council shall be the governor or the governor's 1927

designee and shall establish procedures for the council's internal control and management. 1928
1929

(2) The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children. 1930
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In seeking to fulfill its purpose, the council may do any of the following: 1935
1936

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children; 1937
1938

(b) Advise and assess local governments on the coordination of service delivery to children; 1939
1940

(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 1941
1942
1943
1944

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 1945
1946
1947

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 1948
1949
1950
1951
1952

(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 1953
1954

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include 1955
1956
1957

provisions regarding the receipt, transfer, and expenditure of funds;	1958 1959
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	1960 1961 1962 1963
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	1964 1965 1966 1967
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	1968 1969 1970 1971
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	1972 1973 1974 1975
(3) The cabinet council shall provide for the following:	1976
(a) Reviews of service and treatment plans for children for which such reviews are requested;	1977 1978
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	1979 1980 1981
(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of	1982 1983 1984 1985 1986 1987

2004," 20 U.S.C.A. 1400, as amended. 1988

(B)(1) Each board of county commissioners shall establish a 1989
county family and children first council. The board may invite any 1990
local public or private agency or group that funds, advocates, or 1991
provides services to children and families to have a 1992
representative become a permanent or temporary member of its 1993
county council. Each county council must include the following 1994
individuals: 1995

(a) At least three individuals who are not employed by an 1996
agency represented on the council and whose families are or have 1997
received services from an agency represented on the council or 1998
another county's council. Where possible, the number of members 1999
representing families shall be equal to twenty per cent of the 2000
council's membership. 2001

(b) The director of the board of alcohol, drug addiction, and 2002
mental health services that serves the county, or, in the case of 2003
a county that has a board of alcohol and drug addiction services 2004
and a community mental health board, the directors of both boards. 2005
If a board of alcohol, drug addiction, and mental health services 2006
covers more than one county, the director may designate a person 2007
to participate on the county's council. 2008

(c) The health commissioner, or the commissioner's designee, 2009
of the board of health of each city and general health district in 2010
the county. If the county has two or more health districts, the 2011
health commissioner membership may be limited to the commissioners 2012
of the two districts with the largest populations. 2013

(d) The director of the county department of job and family 2014
services; 2015

(e) The executive director of the public children services 2016
agency; 2017

(f) The superintendent of the county board of mental retardation and developmental disabilities;	2018 2019
(g) The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, by the judge senior in service;	2020 2021 2022 2023
(h) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	2024 2025 2026 2027 2028
(i) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	2029 2030 2031
(j) A representative of the municipal corporation with the largest population in the county;	2032 2033
(k) The president of the board of county commissioners or an individual designated by the board;	2034 2035
(l) A representative of the regional office of the department of youth services;	2036 2037
(m) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	2038 2039
(n) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Education of the Handicapped Act Amendments of 1986";	2040 2041 2042 2043
(o) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	2044 2045
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the	2046 2047

council and making decisions regarding the duties of the council, 2048
including those involving the funding of joint projects and those 2049
outlined in the county's service coordination mechanism 2050
implemented pursuant to division (C) of this section. 2051

The cabinet council shall establish a state appeals process 2052
to resolve disputes among the members of a county council 2053
concerning whether reasonable responsibilities as members are 2054
being shared. The appeals process may be accessed only by a 2055
majority vote of the council members who are required to serve on 2056
the council. Upon appeal, the cabinet council may order that state 2057
funds for services to children and families be redirected to a 2058
county's board of county commissioners. 2059

(2) The purpose of the county council is to streamline and 2060
coordinate existing government services for families seeking 2061
services for their children. In seeking to fulfill its purpose, a 2062
county council shall provide for the following: 2063

(a) Referrals to the cabinet council of those children for 2064
whom the county council cannot provide adequate services; 2065

(b) Development and implementation of a process that annually 2066
evaluates and prioritizes services, fills service gaps where 2067
possible, and invents new approaches to achieve better results for 2068
families and children; 2069

(c) Participation in the development of a countywide, 2070
comprehensive, coordinated, multi-disciplinary, interagency system 2071
for infants and toddlers with developmental disabilities or delays 2072
and their families, as established pursuant to federal grants 2073
received and administered by the department of health for early 2074
intervention services under the "Education of the Handicapped Act 2075
Amendments of 1986"; 2076

(d) Maintenance of an accountability system to monitor the 2077
county council's progress in achieving results for families and 2078

children; 2079

(e) Establishment of a mechanism to ensure ongoing input from 2080
a broad representation of families who are receiving services 2081
within the county system. 2082

(3)(a) Except as provided in division (B)(3)(b) of this 2083
section, a county council shall comply with the policies, 2084
procedures, and activities prescribed by the rules or interagency 2085
agreements of a state department participating on the cabinet 2086
council whenever the county council performs a function subject to 2087
those rules or agreements. 2088

(b) On application of a county council, the cabinet council 2089
may grant an exemption from any rules or interagency agreements of 2090
a state department participating on the council if an exemption is 2091
necessary for the council to implement an alternative program or 2092
approach for service delivery to families and children. The 2093
application shall describe the proposed program or approach and 2094
specify the rules or interagency agreements from which an 2095
exemption is necessary. The cabinet council shall approve or 2096
disapprove the application in accordance with standards and 2097
procedures it shall adopt. If an application is approved, the 2098
exemption is effective only while the program or approach is being 2099
implemented, including a reasonable period during which the 2100
program or approach is being evaluated for effectiveness. 2101

(4)(a) Each county council shall designate an administrative 2102
agent for the council from among the following public entities: 2103
the board of alcohol, drug addiction, and mental health services, 2104
including a board of alcohol and drug addiction or a community 2105
mental health board if the county is served by separate boards; 2106
the board of county commissioners; any board of health of the 2107
county's city and general health districts; the county department 2108
of job and family services; the county agency responsible for the 2109

administration of children services pursuant to section 5153.15 of 2110
the Revised Code; the county board of mental retardation and 2111
developmental disabilities; any of the county's boards of 2112
education or governing boards of educational service centers; or 2113
the county's juvenile court. Any of the foregoing public entities, 2114
other than the board of county commissioners, may decline to serve 2115
as the council's administrative agent. 2116

A county council's administrative agent shall serve as the 2117
council's appointing authority for any employees of the council. 2118
The council shall file an annual budget with its administrative 2119
agent, with copies filed with the county auditor and with the 2120
board of county commissioners, unless the board is serving as the 2121
council's administrative agent. The council's administrative agent 2122
shall ensure that all expenditures are handled in accordance with 2123
policies, procedures, and activities prescribed by state 2124
departments in rules or interagency agreements that are applicable 2125
to the council's functions. 2126

The administrative agent for a county council may do any of 2127
the following on behalf of the council: 2128

(i) Enter into agreements or administer contracts with public 2129
or private entities to fulfill specific council business. Such 2130
agreements and contracts are exempt from the competitive bidding 2131
requirements of section 307.86 of the Revised Code if they have 2132
been approved by the county council and they are for the purchase 2133
of family and child welfare or child protection services or other 2134
social or job and family services for families and children. The 2135
approval of the county council is not required to exempt 2136
agreements or contracts entered into under section 5139.34, 2137
5139.41, or 5139.43 of the Revised Code from the competitive 2138
bidding requirements of section 307.86 of the Revised Code. 2139

(ii) As determined by the council, provide financial 2140

stipends, reimbursements, or both, to family representatives for 2141
expenses related to council activity; 2142

(iii) Receive by gift, grant, devise, or bequest any moneys, 2143
lands, or other property for the purposes for which the council is 2144
established. The agent shall hold, apply, and dispose of the 2145
moneys, lands, or other property according to the terms of the 2146
gift, grant, devise, or bequest. Any interest or earnings shall be 2147
treated in the same manner and are subject to the same terms as 2148
the gift, grant, devise, or bequest from which it accrues. 2149

(b)(i) If the county council designates the board of county 2150
commissioners as its administrative agent, the board may, by 2151
resolution, delegate any of its powers and duties as 2152
administrative agent to an executive committee the board 2153
establishes from the membership of the county council. The board 2154
shall name to the executive committee at least the individuals 2155
described in divisions (B)(1)(a) to (i) of this section and may 2156
appoint the president of the board or another individual as the 2157
chair of the executive committee. The executive committee must 2158
include at least one family county council representative who does 2159
not have a family member employed by an agency represented on the 2160
council. 2161

(ii) The executive committee may, with the approval of the 2162
board, hire an executive director to assist the county council in 2163
administering its powers and duties. The executive director shall 2164
serve in the unclassified civil service at the pleasure of the 2165
executive committee. The executive director may, with the approval 2166
of the executive committee, hire other employees as necessary to 2167
properly conduct the county council's business. 2168

(iii) The board may require the executive committee to submit 2169
an annual budget to the board for approval and may amend or repeal 2170
the resolution that delegated to the executive committee its 2171

authority as the county council's administrative agent. 2172

(5) Two or more county councils may enter into an agreement 2173
to administer their county councils jointly by creating a regional 2174
family and children first council. A regional council possesses 2175
the same duties and authority possessed by a county council, 2176
except that the duties and authority apply regionally rather than 2177
to individual counties. Prior to entering into an agreement to 2178
create a regional council, the members of each county council to 2179
be part of the regional council shall meet to determine whether 2180
all or part of the members of each county council will serve as 2181
members of the regional council. 2182

(6) A board of county commissioners may approve a resolution 2183
by a majority vote of the board's members that requires the county 2184
council to submit a statement to the board each time the council 2185
proposes to enter into an agreement, adopt a plan, or make a 2186
decision, other than a decision pursuant to section 121.38 of the 2187
Revised Code, that requires the expenditure of funds for two or 2188
more families. The statement shall describe the proposed 2189
agreement, plan, or decision. 2190

Not later than fifteen days after the board receives the 2191
statement, it shall, by resolution approved by a majority of its 2192
members, approve or disapprove the agreement, plan, or decision. 2193
Failure of the board to pass a resolution during that time period 2194
shall be considered approval of the agreement, plan, or decision. 2195

An agreement, plan, or decision for which a statement is 2196
required to be submitted to the board shall be implemented only if 2197
it is approved by the board. 2198

(C) Each county shall develop a county service coordination 2199
mechanism. The county service coordination mechanism shall serve 2200
as the guiding document for coordination of services in the 2201
county. For children who also receive services under the help me 2202

grow program, the service coordination mechanism shall be 2203
consistent with rules adopted by the department of health under 2204
section 3701.61 of the Revised Code. All family service 2205
coordination plans shall be developed in accordance with the 2206
county service coordination mechanism. The mechanism shall be 2207
developed and approved with the participation of the county 2208
entities representing child welfare; mental retardation and 2209
developmental disabilities; alcohol, drug addiction, and mental 2210
health services; health; juvenile judges; education; the county 2211
family and children first council; and the county early 2212
intervention collaborative established pursuant to the federal 2213
early intervention program operated under the "Education of the 2214
Handicapped Act Amendments of 1986." The county shall establish an 2215
implementation schedule for the mechanism. The cabinet council may 2216
monitor the implementation and administration of each county's 2217
service coordination mechanism. 2218

Each mechanism shall include all of the following: 2219

(1) A procedure for an agency, including a juvenile court, or 2220
a family voluntarily seeking service coordination, to refer the 2221
child and family to the county council for service coordination in 2222
accordance with the ~~county service coordination~~ mechanism; 2223

(2) A procedure ensuring that a family and all appropriate 2224
staff from involved agencies, including a representative from the 2225
appropriate school district, are notified of and invited to 2226
participate in all family service coordination plan meetings; 2227

(3) A procedure that permits a family to initiate a meeting 2228
to develop or review the family's service coordination plan and 2229
allows the family to invite a family advocate, mentor, or support 2230
person of the family's choice to participate in any such meeting; 2231

(4) A procedure for ensuring that a family service 2232
coordination plan meeting is conducted ~~before a non-emergency~~ for 2233

each child who receives service coordination under the mechanism 2234
and for whom an emergency out-of-home placement for all multi-need 2235
children, or has been made or for whom a nonemergency out-of-home 2236
placement is being considered. The meeting shall be conducted 2237
within ten days of a an emergency out-of-home placement for 2238
emergency placements of multi-need children. The meeting shall be 2239
conducted before a nonemergency out-of-home placement. The family 2240
service coordination plan shall outline how the county council 2241
members will jointly pay for services, where applicable, and 2242
provide services in the least restrictive environment. 2243

(5) A procedure for monitoring the progress and tracking the 2244
outcomes of each service coordination plan requested in the county 2245
including monitoring and tracking children in out-of-home 2246
placements to assure continued progress, appropriateness of 2247
placement, and continuity of care after discharge from placement 2248
with appropriate arrangements for housing, treatment, and 2249
education. 2250

(6) A procedure for protecting the confidentiality of all 2251
personal family information disclosed during service coordination 2252
meetings or contained in the comprehensive family service 2253
coordination plan. 2254

(7) A procedure for assessing the needs and strengths of any 2255
child or family that has been referred to the council for service 2256
coordination, including a child whose parent or custodian is 2257
voluntarily seeking services, and for ensuring that parents and 2258
custodians are afforded the opportunity to participate; 2259

(8) A procedure for development of a family service 2260
coordination plan described in division (D) of this section; 2261

(9) A local dispute resolution process to serve as the 2262
process that must be used first to resolve disputes among the 2263
agencies represented on the county council concerning the 2264

provision of services to children, including children who are 2265
abused, neglected, dependent, unruly, alleged unruly, or 2266
delinquent children and under the jurisdiction of the juvenile 2267
court and children whose parents or custodians are voluntarily 2268
seeking services. The local dispute resolution process shall 2269
comply with section 121.38 of the Revised Code. The local dispute 2270
resolution process shall be used to resolve disputes between a 2271
child's parents or custodians and the county council regarding 2272
service coordination. The county council shall inform the parents 2273
or custodians of their right to use the dispute resolution 2274
process. Parents or custodians shall use existing local agency 2275
grievance procedures to address disputes not involving service 2276
coordination. The dispute resolution process is in addition to and 2277
does not replace other rights or procedures that parents or 2278
custodians may have under other sections of the Revised Code. 2279

The cabinet council shall adopt rules in accordance with 2280
Chapter 119. of the Revised Code establishing an administrative 2281
review process to address problems that arise concerning the 2282
operation of a local dispute resolution process. 2283

Nothing in division (C)(4) of this section shall be 2284
interpreted as overriding or affecting decisions of a juvenile 2285
court regarding an out-of-home placement, long-term placement, or 2286
emergency out-of-home placement. 2287

(D) Each county shall develop a comprehensive family service 2288
coordination plan that does all of the following: 2289

(1) Designates service responsibilities among the various 2290
state and local agencies that provide services to children and 2291
their families, including children who are abused, neglected, 2292
dependent, unruly, or delinquent children and under the 2293
jurisdiction of the juvenile court and children whose parents or 2294
custodians are voluntarily seeking services; 2295

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;	2296 2297 2298 2299
(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.	2300 2301 2302 2303 2304 2305
(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;	2306 2307 2308
(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;	2309 2310 2311
(6) Includes a plan for dealing with short-term crisis situations and safety concerns.	2312 2313
(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:	2314 2315
(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;	2316 2317 2318 2319
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;	2320 2321 2322
(c) Involvement of local law enforcement agencies and officials.	2323 2324
(2) The method to divert a child from the juvenile court	2325

system that must be included in the service coordination process 2326
may include, but is not limited to, the following: 2327

(a) The preparation of a complaint under section 2151.27 of 2328
the Revised Code alleging that the child is an unruly child and 2329
notifying the child and the parents, guardian, or custodian that 2330
the complaint has been prepared to encourage the child and the 2331
parents, guardian, or custodian to comply with other methods to 2332
divert the child from the juvenile court system; 2333

(b) Conducting a meeting with the child, the parents, 2334
guardian, or custodian, and other interested parties to determine 2335
the appropriate methods to divert the child from the juvenile 2336
court system; 2337

(c) A method to provide to the child and the child's family a 2338
short-term respite from a short-term crisis situation involving a 2339
confrontation between the child and the parents, guardian, or 2340
custodian; 2341

(d) A program to provide a mentor to the child or the 2342
parents, guardian, or custodian; 2343

(e) A program to provide parenting education to the parents, 2344
guardian, or custodian; 2345

(f) An alternative school program for children who are truant 2346
from school, repeatedly disruptive in school, or suspended or 2347
expelled from school; 2348

(g) Other appropriate measures, including, but not limited 2349
to, any alternative methods to divert a child from the juvenile 2350
court system that are identified by the Ohio family and children 2351
first cabinet council. 2352

(F) Each county may review and revise the service 2353
coordination process described in division (D) of this section 2354
based on the availability of funds under Title IV-A of the "Social 2355

Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 2356
or to the extent resources are available from any other federal, 2357
state, or local funds. 2358

Sec. 122.17. (A) As used in this section: 2359

(1) "Full-time employee" means an individual who is employed 2360
for consideration for at least thirty-five hours a week, or who 2361
renders any other standard of service generally accepted by custom 2362
or specified by contract as full-time employment. 2363

(2) "New employee" means one of the following: 2364

(a) A full-time employee first employed by a taxpayer in the 2365
project that is the subject of the agreement after the taxpayer 2366
enters into a tax credit agreement with the tax credit authority 2367
under this section; 2368

(b) A full-time employee first employed by a taxpayer in the 2369
project that is the subject of the tax credit after the tax credit 2370
authority approves a project for a tax credit under this section 2371
in a public meeting, as long as the taxpayer enters into the tax 2372
credit agreement prepared by the department of development after 2373
such meeting within sixty days after receiving the agreement from 2374
the department. If the taxpayer fails to enter into the agreement 2375
within sixty days, "new employee" has the same meaning as under 2376
division (A)(2)(a) of this section. 2377

Under division (A)(2)(a) or (b) of this section, if the tax 2378
credit authority determines it appropriate, "new employee" also 2379
may include an employee re-hired or called back from lay-off to 2380
work in a new facility or on a new product or service established 2381
or produced by the taxpayer after entering into the agreement 2382
under this section or after the tax credit authority approves the 2383
tax credit in a public meeting. Except as otherwise provided in 2384
this paragraph, "new employee" does not include any employee of 2385

the taxpayer who was previously employed in this state by a 2386
related member of the taxpayer and whose employment was shifted to 2387
the taxpayer after the taxpayer entered into the tax credit 2388
agreement or after the tax credit authority approved the credit in 2389
a public meeting, or any employee of the taxpayer for which the 2390
taxpayer has been granted a certificate under division (B) of 2391
section 5709.66 of the Revised Code. However, if the taxpayer is 2392
engaged in the enrichment and commercialization of uranium or 2393
uranium products or is engaged in research and development 2394
activities related thereto and if the tax credit authority 2395
determines it appropriate, "new employee" may include an employee 2396
of the taxpayer who was previously employed in this state by a 2397
related member of the taxpayer and whose employment was shifted to 2398
the taxpayer after the taxpayer entered into the tax credit 2399
agreement or after the tax credit authority approved the credit in 2400
a public meeting. "New employee" does not include an employee of 2401
the taxpayer who is employed in an employment position that was 2402
relocated to a project from other operations of the taxpayer in 2403
this state or from operations of a related member of the taxpayer 2404
in this state. In addition, "new employee" does not include a 2405
child, grandchild, parent, or spouse, other than a spouse who is 2406
legally separated from the individual, of any individual who is an 2407
employee of the taxpayer and who has a direct or indirect 2408
ownership interest of at least five per cent in the profits, 2409
capital, or value of the taxpayer. Such ownership interest shall 2410
be determined in accordance with section 1563 of the Internal 2411
Revenue Code and regulations prescribed thereunder. 2412

(3) "New income tax revenue" means the total amount withheld 2413
under section 5747.06 of the Revised Code by the taxpayer during 2414
the taxable year, or during the calendar year that includes the 2415
tax period, from the compensation of new employees for the tax 2416
levied under Chapter 5747. of the Revised Code. 2417

(4) "Related member" has the same meaning as under division 2418
(A)(6) of section 5733.042 of the Revised Code without regard to 2419
division (B) of that section. 2420

(B) The tax credit authority may make grants under this 2421
section to foster job creation in this state. Such a grant shall 2422
take the form of a refundable credit allowed against the tax 2423
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2424
under Chapter 5751. of the Revised Code. The credit shall be 2425
claimed for the taxable years or tax periods specified in the 2426
taxpayer's agreement with the tax credit authority under division 2427
(D) of this section. With respect to taxes imposed under section 2428
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2429
credit shall be claimed in the order required under section 2430
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2431
the credit available for a taxable year or for a calendar year 2432
that includes a tax period equals the new income tax revenue for 2433
that year multiplied by the percentage specified in the agreement 2434
with the tax credit authority. Any credit granted under this 2435
section against the tax imposed by section 5733.06 or 5747.02 of 2436
the Revised Code, to the extent not fully utilized against such 2437
tax for taxable years ending prior to 2008, shall automatically be 2438
converted without any action taken by the tax credit authority to 2439
a credit against the tax levied under Chapter 5751. of the Revised 2440
Code for tax periods beginning on or after July 1, 2008, provided 2441
that the person to whom the credit was granted is subject to such 2442
tax. The converted credit shall apply to those calendar years in 2443
which the remaining taxable years specified in the agreement end. 2444

(C) A taxpayer or potential taxpayer who proposes a project 2445
to create new jobs in this state may apply to the tax credit 2446
authority to enter into an agreement for a tax credit under this 2447
section. The director of development shall prescribe the form of 2448
the application. After receipt of an application, the authority 2449

may enter into an agreement with the taxpayer for a credit under 2450
this section if it determines all of the following: 2451

(1) The taxpayer's project will create new jobs in this 2452
state; 2453

(2) The taxpayer's project is economically sound and will 2454
benefit the people of this state by increasing opportunities for 2455
employment and strengthening the economy of this state; 2456

(3) Receiving the tax credit is a major factor in the 2457
taxpayer's decision to go forward with the project. 2458

(D) An agreement under this section shall include all of the 2459
following: 2460

(1) A detailed description of the project that is the subject 2461
of the agreement; 2462

(2) The term of the tax credit, which shall not exceed 2463
fifteen years, and the first taxable year, or first calendar year 2464
that includes a tax period, for which the credit may be claimed; 2465

(3) A requirement that the taxpayer shall maintain operations 2466
at the project location for at least twice the number of years as 2467
the term of the tax credit; 2468

(4) The percentage, as determined by the tax credit 2469
authority, of new income tax revenue that will be allowed as the 2470
amount of the credit for each taxable year or for each calendar 2471
year that includes a tax period; 2472

(5) A specific method for determining how many new employees 2473
are employed during a taxable year or during a calendar year that 2474
includes a tax period; 2475

(6) A requirement that the taxpayer annually shall report to 2476
the director of development the number of new employees, the new 2477
income tax revenue withheld in connection with the new employees, 2478
and any other information the director needs to perform the 2479

director's duties under this section; 2480

(7) A requirement that the director of development annually 2481
shall verify the amounts reported under division (D)(6) of this 2482
section, and after doing so shall issue a certificate to the 2483
taxpayer stating that the amounts have been verified; 2484

(8)(a) A provision requiring that the taxpayer, except as 2485
otherwise provided in division (D)(8)(b) of this section, shall 2486
not relocate employment positions from elsewhere in this state to 2487
the project site that is the subject of the agreement for the 2488
lesser of five years from the date the agreement is entered into 2489
or the number of years the taxpayer is entitled to claim the tax 2490
credit. 2491

(b) The taxpayer may relocate employment positions from 2492
elsewhere in this state to the project site that is the subject of 2493
the agreement if the director of development determines both of 2494
the following: 2495

(i) That the site from which the employment positions would 2496
be relocated is inadequate to meet market and industry conditions, 2497
expansion plans, consolidation plans, or other business 2498
considerations affecting the taxpayer; 2499

(ii) That the legislative authority of the county, township, 2500
or municipal corporation from which the employment positions would 2501
be relocated has been notified of the relocation. 2502

For purposes of this section, the movement of an employment 2503
position from one political subdivision to another political 2504
subdivision shall be considered a relocation of an employment 2505
position, but the transfer of an individual employee from one 2506
political subdivision to another political subdivision shall not 2507
be considered a relocation of an employment position as long as 2508
the individual's employment position in the first political 2509
subdivision is refilled. 2510

(E) If a taxpayer fails to meet or comply with any condition 2511
or requirement set forth in a tax credit agreement, the tax credit 2512
authority may amend the agreement to reduce the percentage or term 2513
of the tax credit. The reduction of the percentage or term shall 2514
take effect in the taxable year immediately following the taxable 2515
year in which the authority amends the agreement or in the first 2516
tax period beginning in the calendar year immediately following 2517
the calendar year in which the authority amends the agreement. If 2518
the taxpayer relocates employment positions in violation of the 2519
provision required under division (D)(8)(a) of this section, the 2520
taxpayer shall not claim the tax credit under section 5733.0610 of 2521
the Revised Code for any tax years following the calendar year in 2522
which the relocation occurs, or shall not claim the tax credit 2523
under section 5725.32, 5729.032, or 5747.058 of the Revised Code 2524
for the taxable year in which the relocation occurs and any 2525
subsequent taxable years, and shall not claim the tax credit under 2526
division (A) of section 5751.50 of the Revised Code for any tax 2527
period in the calendar year in which the relocation occurs and any 2528
subsequent tax periods. 2529

(F) Projects that consist solely of point-of-final-purchase 2530
retail facilities are not eligible for a tax credit under this 2531
section. If a project consists of both point-of-final-purchase 2532
retail facilities and nonretail facilities, only the portion of 2533
the project consisting of the nonretail facilities is eligible for 2534
a tax credit and only the new income tax revenue from new 2535
employees of the nonretail facilities shall be considered when 2536
computing the amount of the tax credit. If a warehouse facility is 2537
part of a point-of-final-purchase retail facility and supplies 2538
only that facility, the warehouse facility is not eligible for a 2539
tax credit. Catalog distribution centers are not considered 2540
point-of-final-purchase retail facilities for the purposes of this 2541
division, and are eligible for tax credits under this section. 2542

(G) Financial statements and other information submitted to 2543
the department of development or the tax credit authority by an 2544
applicant or recipient of a tax credit under this section, and any 2545
information taken for any purpose from such statements or 2546
information, are not public records subject to section 149.43 of 2547
the Revised Code. However, the chairperson of the authority may 2548
make use of the statements and other information for purposes of 2549
issuing public reports or in connection with court proceedings 2550
concerning tax credit agreements under this section. Upon the 2551
request of the tax commissioner or, if the applicant or recipient 2552
is an insurance company, upon the request of the superintendent of 2553
insurance, the chairperson of the authority shall provide to the 2554
commissioner or superintendent any statement or information 2555
submitted by an applicant or recipient of a tax credit in 2556
connection with the credit. The commissioner or superintendent 2557
shall preserve the confidentiality of the statement or 2558
information. 2559

(H) A taxpayer claiming a credit under this section shall 2560
submit to the tax commissioner or, if the taxpayer is an insurance 2561
company, to the superintendent of insurance, a copy of the 2562
director of development's certificate of verification under 2563
division (D)(7) of this section with the taxpayer's tax report or 2564
return for the taxable year or for the calendar year that includes 2565
the tax period. ~~However, failure~~ Failure to submit a copy of the 2566
certificate with the report or return does not invalidate a claim 2567
for a credit if the taxpayer submits a copy of the certificate to 2568
the commissioner or superintendent within sixty days after the 2569
commissioner or superintendent requests it. 2570

(I) The director of development, after consultation with the 2571
tax commissioner and the superintendent of insurance and in 2572
accordance with Chapter 119. of the Revised Code, shall adopt 2573
rules necessary to implement this section. The rules may provide 2574

for recipients of tax credits under this section to be charged 2575
fees to cover administrative costs of the tax credit program. At 2576
the time the director gives public notice under division (A) of 2577
section 119.03 of the Revised Code of the adoption of the rules, 2578
the director shall submit copies of the proposed rules to the 2579
chairpersons of the standing committees on economic development in 2580
the senate and the house of representatives. 2581

(J) For the purposes of this section, a taxpayer may include 2582
a partnership, a corporation that has made an election under 2583
subchapter S of chapter one of subtitle A of the Internal Revenue 2584
Code, or any other business entity through which income flows as a 2585
distributive share to its owners. A credit received under this 2586
section by a partnership, S-corporation, or other such business 2587
entity shall be apportioned among the persons to whom the income 2588
or profit of the partnership, S-corporation, or other entity is 2589
distributed, in the same proportions as those in which the income 2590
or profit is distributed. 2591

(K) If the director of development determines that a taxpayer 2592
who has received a credit under this section is not complying with 2593
the requirement under division (D)(3) of this section, the 2594
director shall notify the tax credit authority of the 2595
noncompliance. After receiving such a notice, and after giving the 2596
taxpayer an opportunity to explain the noncompliance, the tax 2597
credit authority may require the taxpayer to refund to this state 2598
a portion of the credit in accordance with the following: 2599

(1) If the taxpayer maintained operations at the project 2600
location for at least one and one-half times the number of years 2601
of the term of the tax credit, an amount not exceeding twenty-five 2602
per cent of the sum of any previously allowed credits under this 2603
section; 2604

(2) If the taxpayer maintained operations at the project 2605

location for at least the number of years of the term of the tax
credit, an amount not exceeding fifty per cent of the sum of any
previously allowed credits under this section;

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

In determining the portion of the tax credit to be refunded
to this state, the tax credit authority shall consider the effect
of market conditions on the taxpayer's project and whether the
taxpayer continues to maintain other operations in this state.
After making the determination, the authority shall certify the
amount to be refunded to the tax commissioner or superintendent of
insurance, as appropriate. If the amount is certified to the
commissioner, the commissioner shall make an assessment for that
amount against the taxpayer under Chapter 5733., 5747., or 5751.
of the Revised Code. If the amount is certified to the
superintendent, the superintendent shall make an assessment for
that amount against the taxpayer under Chapter 5725. or 5729. of
the Revised Code. The time limitations on assessments under those
chapters do not apply to an assessment under this division, but
the commissioner or superintendent, as appropriate, shall make the
assessment within one year after the date the authority certifies
to the commissioner or superintendent the amount to be refunded.

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

agreements entered into before the preceding calendar year. 2638

(M) There is hereby created the tax credit authority, which 2639
consists of the director of development and four other members 2640
appointed as follows: the governor, the president of the senate, 2641
and the speaker of the house of representatives each shall appoint 2642
one member who shall be a specialist in economic development; the 2643
governor also shall appoint a member who is a specialist in 2644
taxation. Of the initial appointees, the members appointed by the 2645
governor shall serve a term of two years; the members appointed by 2646
the president of the senate and the speaker of the house of 2647
representatives shall serve a term of four years. Thereafter, 2648
terms of office shall be for four years. Initial appointments to 2649
the authority shall be made within thirty days after January 13, 2650
1993. Each member shall serve on the authority until the end of 2651
the term for which the member was appointed. Vacancies shall be 2652
filled in the same manner provided for original appointments. Any 2653
member appointed to fill a vacancy occurring prior to the 2654
expiration of the term for which the member's predecessor was 2655
appointed shall hold office for the remainder of that term. 2656
Members may be reappointed to the authority. Members of the 2657
authority shall receive their necessary and actual expenses while 2658
engaged in the business of the authority. The director of 2659
development shall serve as chairperson of the authority, and the 2660
members annually shall elect a vice-chairperson from among 2661
themselves. Three members of the authority constitute a quorum to 2662
transact and vote on the business of the authority. The majority 2663
vote of the membership of the authority is necessary to approve 2664
any such business, including the election of the vice-chairperson. 2665

The director of development may appoint a professional 2666
employee of the department of development to serve as the 2667
director's substitute at a meeting of the authority. The director 2668
shall make the appointment in writing. In the absence of the 2669

director from a meeting of the authority, the appointed substitute 2670
shall serve as chairperson. In the absence of both the director 2671
and the director's substitute from a meeting, the vice-chairperson 2672
shall serve as chairperson. 2673

(N) For purposes of the credits granted by this section 2674
against the taxes imposed under sections 5725.18 and 5729.03 of 2675
the Revised Code, "taxable year" means the period covered by the 2676
taxpayer's annual statement to the superintendent of insurance. 2677

Sec. 122.171. (A) As used in this section: 2678

(1) "Capital investment project" means a plan of investment 2679
at a project site for the acquisition, construction, renovation, 2680
or repair of buildings, machinery, or equipment, or for 2681
capitalized costs of basic research and new product development 2682
determined in accordance with generally accepted accounting 2683
principles, but does not include any of the following: 2684

(a) Payments made for the acquisition of personal property 2685
through operating leases; 2686

(b) Project costs paid before January 1, 2002; 2687

(c) Payments made to a related member as defined in section 2688
5733.042 of the Revised Code or to an elected consolidated 2689
taxpayer or a combined taxpayer as defined in section 5751.01 of 2690
the Revised Code. 2691

(2) "Eligible business" means a business with Ohio operations 2692
satisfying all of the following: 2693

(a) Employed an average of at least one thousand employees in 2694
full-time employment positions at a project site during each of 2695
the twelve months preceding the application for a tax credit under 2696
this section; and 2697

(b) On or after January 1, 2002, has made payments for the 2698

capital investment project of either of the following: 2699

(i) At least two hundred million dollars in the aggregate at 2700
the project site during a period of three consecutive calendar 2701
years including the calendar year that includes a day of the 2702
taxpayer's taxable year or tax period with respect to which the 2703
credit is granted; 2704

(ii) If the average wage of all full-time employment 2705
positions at the project site is greater than four hundred per 2706
cent of the federal minimum wage, at least one hundred million 2707
dollars in the aggregate at the project site during a period of 2708
three consecutive calendar years including the calendar year that 2709
includes a day of the taxpayer's taxable year or tax period with 2710
respect to which the credit is granted. 2711

(c) Is engaged at the project site primarily as a 2712
manufacturer or is providing significant corporate administrative 2713
functions; 2714

(d) Has had a capital investment project reviewed and 2715
approved by the tax credit authority as provided in divisions (C), 2716
(D), and (E) of this section. 2717

(3) "Full-time employment position" means a position of 2718
employment for consideration for at least thirty-five hours a week 2719
that has been filled for at least one hundred eighty days 2720
immediately preceding the filing of an application under this 2721
section and for at least one hundred eighty days during each 2722
taxable year or each calendar year that includes a tax period with 2723
respect to which the credit is granted. 2724

(4) "Manufacturer" has the same meaning as in section 2725
5739.011 of the Revised Code. 2726

(5) "Project site" means an integrated complex of facilities 2727
in this state, as specified by the tax credit authority under this 2728

section, within a fifteen-mile radius where a taxpayer is 2729
primarily operating as an eligible business. 2730

(6) "Applicable corporation" means a corporation satisfying 2731
all of the following: 2732

(a)(i) For the entire taxable year immediately preceding the 2733
tax year, the corporation develops software applications primarily 2734
to provide telecommunication billing and information services 2735
through outsourcing or licensing to domestic or international 2736
customers. 2737

(ii) Sales and licensing of software generated at least six 2738
hundred million dollars in revenue during the taxable year 2739
immediately preceding the tax year the corporation is first 2740
entitled to claim the credit provided under division (B) of this 2741
section. 2742

(b) For the entire taxable year immediately preceding the tax 2743
year, the corporation or one or more of its related members 2744
provides customer or employee care and technical support for 2745
clients through one or more contact centers within this state, and 2746
the corporation and its related members together have a daily 2747
average, based on a three-hundred-sixty-five-day year, of at least 2748
five hundred thousand successful customer contacts through one or 2749
more of their contact centers, wherever located. 2750

(c) The corporation is eligible for the credit under division 2751
(B) of this section for the tax year. 2752

(7) "Related member" has the same meaning as in section 2753
5733.042 of the Revised Code as that section existed on the 2754
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2755
general assembly, September 29, 1997. 2756

(8) "Successful customer contact" means a contact with an end 2757
user via telephone, including interactive voice recognition or 2758

similar means, where the contact culminates in a conversation or
connection other than a busy signal or equipment busy.

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

(10)(a) "Applicable difference" means the difference between
the tax for the tax year under Chapter 5733. of the Revised Code
applying the law in effect for that tax year, and the tax for that
tax year if section 5733.042 of the Revised Code applied as that
section existed on the effective date of its amendment by Am. Sub.
H.B. 215 of the 122nd general assembly, September 29, 1997,
subject to division (A)(10)(b) of this section.

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

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

(B) The tax credit authority created under section 122.17 of
the Revised Code may grant tax credits under this section for the
purpose of fostering job retention in this state. Upon application
by an eligible business and upon consideration of the
recommendation of the director of budget and management, tax
commissioner, and director of development under division (C) of
this section, the tax credit authority may grant to an eligible
business a nonrefundable credit against the tax imposed by section
5733.06 or 5747.02 ~~or levied under Chapter 5751.~~ of the Revised

Code for a period up to fifteen taxable years and against the tax 2790
levied by Chapter 5751. of the Revised Code for a period of up to 2791
fifteen calendar years. The credit shall be in an amount not 2792
exceeding seventy-five per cent of the Ohio income tax withheld 2793
from the employees of the eligible business occupying full-time 2794
employment positions at the project site during the calendar year 2795
that includes the last day of such business' taxable year or tax 2796
period with respect to which the credit is granted. The amount of 2797
the credit shall not be based on the Ohio income tax withheld from 2798
full-time employees for a calendar year prior to the calendar year 2799
in which the minimum investment requirement referred to in 2800
division (A)(2)(b) of this section is completed. The credit shall 2801
be claimed only for the taxable years or tax periods specified in 2802
the eligible business' agreement with the tax credit authority 2803
under division (E) of this section, but in no event shall the 2804
credit be claimed for a taxable year or tax period terminating 2805
before the date specified in the agreement. Any credit granted 2806
under this section against the tax imposed by section 5733.06 or 2807
5747.02 of the Revised Code, to the extent not fully utilized 2808
against such tax for taxable years ending prior to 2008, shall 2809
automatically be converted without any action taken by the tax 2810
credit authority to a credit against the tax levied under Chapter 2811
5751. of the Revised Code for tax periods beginning on or after 2812
July 1, 2008, provided that the person to whom the credit was 2813
granted is subject to such tax. The converted credit shall apply 2814
to those calendar years in which the remaining taxable years 2815
specified in the agreement end. 2816

The credit computed under this division is in addition to any 2817
credit allowed under division (M) of this section which the tax 2818
credit authority may also include in the agreement. 2819

Any unused portion of a tax credit may be carried forward for 2820
not more than three additional years after the year for which the 2821

credit is granted. 2822

(C) A taxpayer that proposes a capital investment project to 2823
retain jobs in this state may apply to the tax credit authority to 2824
enter into an agreement for a tax credit under this section. The 2825
director of development shall prescribe the form of the 2826
application. After receipt of an application, the authority shall 2827
forward copies of the application to the director of budget and 2828
management, the tax commissioner, and the director of development, 2829
each of whom shall review the application to determine the 2830
economic impact the proposed project would have on the state and 2831
the affected political subdivisions and shall submit a summary of 2832
their determinations and recommendations to the authority. 2833

(D) Upon review of the determinations and recommendations 2834
described in division (C) of this section, the tax credit 2835
authority may enter into an agreement with the taxpayer for a 2836
credit under this section if the authority determines all of the 2837
following: 2838

(1) The taxpayer's capital investment project will result in 2839
the retention of full-time employment positions in this state. 2840

(2) The taxpayer is economically sound and has the ability to 2841
complete the proposed capital investment project. 2842

(3) The taxpayer intends to and has the ability to maintain 2843
operations at the project site for at least twice the term of the 2844
credit. 2845

(4) Receiving the credit is a major factor in the taxpayer's 2846
decision to begin, continue with, or complete the project. 2847

(5) The political subdivisions in which the project is 2848
located have agreed to provide substantial financial support to 2849
the project. 2850

(E) An agreement under this section shall include all of the 2851

following:	2852
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	2853 2854 2855 2856
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	2857 2858 2859
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	2860 2861
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	2862 2863 2864
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section.	2865 2866 2867 2868 2869 2870 2871
(6) A requirement that the taxpayer annually report to the director of development the number of full-time employment positions subject to the credit, the amount of tax withheld from employees in those positions, the amount of the payments made for the capital investment project, and any other information the director needs to perform the director's duties under this section.	2872 2873 2874 2875 2876 2877 2878
(7) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(6) of this section and	2879 2880 2881

compliance with the agreement. Upon verification, the director
shall issue a certificate to the taxpayer stating that the
information has been verified and identifying the amount of the
credit for the taxable year. Unless otherwise specified by the tax
credit authority in a resolution and included as part of the
agreement, the director shall not issue a certificate for any year
in which the total number of filled full-time employment positions
for each day of the calendar year divided by three hundred
sixty-five is less than ninety per cent of the full-time
employment positions specified in division (E)(5) of this section.
In determining the number of full-time employment positions, no
position shall be counted that is filled by an employee who is
included in the calculation of a tax credit under section 122.17
of the Revised Code.

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

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

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

(ii) That the legislative authority of the county, township,
or municipal corporation from which the employment positions would

be relocated has been notified of the relocation. 2913

For purposes of this section, the movement of an employment 2914
position from one political subdivision to another political 2915
subdivision shall be considered a relocation of an employment 2916
position unless the movement is confined to the project site. The 2917
transfer of an individual employee from one political subdivision 2918
to another political subdivision shall not be considered a 2919
relocation of an employment position as long as the individual's 2920
employment position in the first political subdivision is 2921
refilled. 2922

(9) A waiver by the taxpayer of any limitations periods 2923
relating to assessments or adjustments resulting from the 2924
taxpayer's failure to comply with the agreement. 2925

(F) If a taxpayer fails to meet or comply with any condition 2926
or requirement set forth in a tax credit agreement, the tax credit 2927
authority may amend the agreement to reduce the percentage or term 2928
of the credit. The reduction of the percentage or term shall take 2929
effect in the taxable year immediately following the taxable year 2930
in which the authority amends the agreement or in the first tax 2931
period beginning in the calendar year immediately following the 2932
calendar year in which the authority amends the agreement. If the 2933
taxpayer relocates employment positions in violation of the 2934
provision required under division (D)(8)(a) of this section, the 2935
taxpayer shall not claim the tax credit under section 5733.0610 of 2936
the Revised Code for any tax years following the calendar year in 2937
which the relocation occurs, shall not claim the tax credit under 2938
section 5747.058 of the Revised Code for the taxable year in which 2939
the relocation occurs and any subsequent taxable years, and shall 2940
not claim the tax credit under division (A) of section 5751.50 of 2941
the Revised Code for the tax period in which the relocation occurs 2942
and any subsequent tax periods. 2943

(G) Financial statements and other information submitted to 2944
the department of development or the tax credit authority by an 2945
applicant for or recipient of a tax credit under this section, and 2946
any information taken for any purpose from such statements or 2947
information, are not public records subject to section 149.43 of 2948
the Revised Code. However, the chairperson of the authority may 2949
make use of the statements and other information for purposes of 2950
issuing public reports or in connection with court proceedings 2951
concerning tax credit agreements under this section. Upon the 2952
request of the tax commissioner, the chairperson of the authority 2953
shall provide to the commissioner any statement or other 2954
information submitted by an applicant for or recipient of a tax 2955
credit in connection with the credit. The commissioner shall 2956
preserve the confidentiality of the statement or other 2957
information. 2958

(H) A taxpayer claiming a tax credit under this section shall 2959
submit to the tax commissioner a copy of the director of 2960
development's certificate of verification under division (E)(7) of 2961
this section with the taxpayer's tax report or return for the 2962
taxable year or for the calendar year that includes the tax 2963
period. ~~However, failure~~ Failure to submit a copy of the 2964
certificate with the report or return does not invalidate a claim 2965
for a credit if the taxpayer submits a copy of the certificate to
the commissioner within sixty days after the commissioner requests
it. 2968

(I) For the purposes of this section, a taxpayer may include 2969
a partnership, a corporation that has made an election under 2970
subchapter S of chapter one of subtitle A of the Internal Revenue 2971
Code, or any other business entity through which income flows as a 2972
distributive share to its owners. A tax credit received under this 2973
section by a partnership, S-corporation, or other such business 2974
entity shall be apportioned among the persons to whom the income 2975

or profit of the partnership, S-corporation, or other entity is 2976
distributed, in the same proportions as those in which the income 2977
or profit is distributed. 2978

(J) If the director of development determines that a taxpayer 2979
that received a tax credit under this section is not complying 2980
with the requirement under division (E)(4) of this section, the 2981
director shall notify the tax credit authority of the 2982
noncompliance. After receiving such a notice, and after giving the 2983
taxpayer an opportunity to explain the noncompliance, the 2984
authority may terminate the agreement and require the taxpayer to 2985
refund to the state all or a portion of the credit claimed in 2986
previous years, as follows: 2987

(1) If the taxpayer maintained operations at the project site 2988
for less than the term of the credit, the amount required to be 2989
refunded shall not exceed the amount of any tax credits previously 2990
allowed and received under this section. 2991

(2) If the taxpayer maintained operations at the project site 2992
longer than the term of the credit but less than one and one-half 2993
times the term of the credit, the amount required to be refunded 2994
shall not exceed fifty per cent of the sum of any tax credits 2995
previously allowed and received under this section. 2996

(3) If the taxpayer maintained operations at the project site 2997
for at least one and one-half times the term of the credit but 2998
less than twice the term of the credit, the amount required to be 2999
refunded shall not exceed twenty-five per cent of the sum of any 3000
tax credits previously allowed and received under this section. 3001

In determining the portion of the credit to be refunded to 3002
this state, the authority shall consider the effect of market 3003
conditions on the taxpayer's project and whether the taxpayer 3004
continues to maintain other operations in this state. After making 3005
the determination, the authority shall certify the amount to be 3006

refunded to the tax commissioner. The commissioner shall make an
assessment for that amount against the taxpayer under Chapter
5733., 5747., or 5751. of the Revised Code. The time limitations
on assessments under those chapters do not apply to an assessment
under this division, but the commissioner shall make the
assessment within one year after the date the authority certifies
to the commissioner the amount to be refunded.

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

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

(L) On or before the thirty-first day of March of each year,
the director of development shall submit a report to the governor,
the president of the senate, and the speaker of the house of

representatives on the tax credit program under this section. The 3039
report shall include information on the number of agreements that 3040
were entered into under this section during the preceding calendar 3041
year, a description of the project that is the subject of each 3042
such agreement, and an update on the status of projects under 3043
agreements entered into before the preceding calendar year. 3044

(M)(1) A nonrefundable credit shall be allowed to an 3045
applicable corporation and its related members in an amount equal 3046
to the applicable difference. The credit is in addition to the 3047
credit granted to the corporation or related members under 3048
division (B) of this section. The credit is subject to divisions 3049
(B) to (E) and division (J) of this section. 3050

(2) A person qualifying as an applicable corporation under 3051
this section for a tax year does not necessarily qualify as an 3052
applicable corporation for any other tax year. No person is 3053
entitled to the credit allowed under division (M) of this section 3054
for the tax year immediately following the taxable year during 3055
which the person fails to meet the requirements in divisions 3056
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3057
to the credit allowed under division (M) of this section for any 3058
tax year for which the person is not eligible for the credit 3059
provided under division (B) of this section. 3060

Sec. 122.72. (A) There is hereby created the minority 3061
development financing advisory board to assist in carrying out the 3062
programs created pursuant to sections 122.71 to ~~122.90~~ 122.89 of 3063
the Revised Code. 3064

(B) The board shall consist of ten members. The director of 3065
development or the director's designee shall be a voting member on 3066
the board. Seven members shall be appointed by the governor with 3067
the advice and consent of the senate and selected because of their 3068
knowledge of and experience in industrial, business, and 3069

commercial financing, suretyship, construction, and their 3070
understanding of the problems of minority business enterprises; 3071
one member also shall be a member of the senate and appointed by 3072
the president of the senate, and one member also shall be a member 3073
of the house of representatives and appointed by the speaker of 3074
the house of representatives. With respect to the board, all of 3075
the following apply: 3076

(1) Not more than four of the members of the board appointed 3077
by the governor shall be of the same political party. 3078

(2) Each member shall hold office from the date of the 3079
member's appointment until the end of the term for which the 3080
member was appointed. 3081

(3) The terms of office for the seven members appointed by 3082
the governor shall be for seven years, commencing on the first day 3083
of October and ending on the thirtieth day of September of the 3084
seventh year, except that of the original seven members, three 3085
shall be appointed for three years and two shall be appointed for 3086
five years. 3087

(4) Any member of the board is eligible for reappointment. 3088

(5) Any member appointed to fill a vacancy occurring prior to 3089
the expiration of the term for which the member's predecessor was 3090
appointed shall hold office for the remainder of the predecessor's 3091
term. 3092

(6) Any member shall continue in office subsequent to the 3093
expiration date of the member's term until the member's successor 3094
takes office, or until a period of sixty days has elapsed, 3095
whichever occurs first. 3096

(7) Before entering upon official duties as a member of the 3097
board, each member shall take an oath as provided by Section 7 of 3098
Article XV, Ohio Constitution. 3099

(8) The governor may, at any time, remove any member 3100
appointed by the governor pursuant to section 3.04 of the Revised 3101
Code. 3102

(9) Notwithstanding section 101.26 of the Revised Code, 3103
members shall receive their necessary and actual expenses while 3104
engaged in the business of the board and shall be paid at the per 3105
diem rate of step 1 of pay range 31 of section 124.15 of the 3106
Revised Code. 3107

(10) Six members of the board constitute a quorum and the 3108
affirmative vote of six members is necessary for any action taken 3109
by the board. 3110

(11) In the event of the absence of a member appointed by the 3111
president of the senate or by the speaker of the house of 3112
representatives, either of the following persons may serve in the 3113
member's absence: 3114

(a) The president of the senate or the speaker of the house 3115
of representatives, whoever appointed the absent member; 3116

(b) A member of the senate or of the house of representatives 3117
of the same political party as the absent member, as designated by 3118
the president of the senate or the speaker of the house of 3119
representatives, whoever appointed the absent member. 3120

(12) The board shall annually elect one of its members as 3121
chairperson and another as vice-chairperson. 3122

Sec. 122.73. (A) The minority development financing advisory 3123
board and the director of development are invested with the powers 3124
and duties provided in sections 122.71 to ~~122.90~~ 122.89 of the 3125
Revised Code, in order to promote the welfare of the people of the 3126
state by encouraging the establishment and expansion of minority 3127
business enterprises; to stabilize the economy; to provide 3128
employment; to assist in the development within the state of 3129

industrial, commercial, distribution, and research activities 3130
required for the people of the state, and for their gainful 3131
employment; or otherwise to create or preserve jobs and employment 3132
opportunities, or improve the economic welfare of the people of 3133
the state. It is hereby determined that the accomplishment of 3134
those purposes is essential so that the people of the state may 3135
maintain their present high standards of living in comparison with 3136
the people of other states and so that opportunities for 3137
employment and for favorable markets for the products of the 3138
state's natural resources, agriculture, and manufacturing shall be 3139
improved. It further is determined that it is necessary for the 3140
state to establish the programs authorized under sections 122.71 3141
to ~~122.90~~ 122.89 of the Revised Code to establish the minority 3142
development financing advisory board, and to invest it and the 3143
director of development with the powers and duties provided in 3144
sections 122.71 to ~~122.90~~ 122.89 of the Revised Code. 3145

(B) The minority development financing advisory board shall 3146
do all of the following: 3147

(1) Make recommendations to the director as to applications 3148
for assistance pursuant to sections 122.71 to ~~122.90~~ 122.89 of the 3149
Revised Code. The board may revise its recommendations to reflect 3150
any changes in the proposed assistance made by the director. 3151

(2) Advise the director in the administration of sections 3152
122.71 to ~~122.90~~ 122.89 of the Revised Code. 3153

(3) Adopt bylaws to govern the conduct of the business of the 3154
board. 3155

Sec. 122.74. (A)(1) The director of development shall do all 3156
of the following: 3157

(a) Receive applications for assistance under sections 122.71 3158
to 122.89 of the Revised Code and applications from surety 3159

companies for bond guarantees under section 122.90 of the Revised 3160
Code, and, after processing but subject to division (A)(2) of this 3161
section, forward them to the minority development financing 3162
advisory board together with necessary supporting information; 3163

(b) Receive the recommendations of the board and make a final 3164
determination whether to approve the application for assistance; 3165

(c) Receive recommendations from a regional economic 3166
development entity for loans made under section 122.76 of the 3167
Revised Code and make a final determination, notwithstanding 3168
divisions (A)(1) and (2) of this section, whether to approve the 3169
proposed loan; 3170

(d) Transmit the director's determinations to approve 3171
assistance to the controlling board unless such assistance falls 3172
under section 122.90 of the Revised Code and has been previously 3173
approved by the controlling board, together with any information 3174
the controlling board requires for its review and decision as to 3175
whether to approve the assistance. 3176

(2) The director is not required to submit any determination, 3177
data, terms, or any other application materials or information to 3178
the minority development financing advisory board when provision 3179
of the assistance has been recommended to the director by a 3180
regional economic development entity or when an application for a 3181
surety company for bond guarantees under section 122.90 of the 3182
Revised Code has been previously approved by the controlling 3183
board. 3184

(B) The director may do all of the following: 3185

(1) Fix the rate of interest and charges to be made upon or 3186
with respect to moneys loaned or guaranteed by the director and 3187
the terms upon which mortgages and lease rentals may be guaranteed 3188
and the rates of charges to be made for them and make provisions 3189
for the operation of the funds established by the director in 3190

accordance with this section and sections 122.80, 122.88, and 3191
122.90 of the Revised Code; 3192

(2) Loan and guarantee moneys from the fund established in 3193
accordance with section 122.80 of the Revised Code pursuant to and 3194
in compliance with sections 122.71 to 122.90 of the Revised Code. 3195

(3) Acquire in the name of the director any property of any 3196
kind or character in accordance with sections 122.71 to 122.90 of 3197
the Revised Code, by purchase, purchase at foreclosure, or 3198
exchange on such terms and in such manner as the director 3199
considers proper; 3200

(4) Make and enter into all contracts and agreements 3201
necessary or incidental to the performance of the director's 3202
duties and the exercise of the director's powers under sections 3203
122.71 to 122.90 of the Revised Code; 3204

(5) Maintain, protect, repair, improve, and insure any 3205
property that the director has acquired and dispose of it by sale, 3206
exchange, or lease for the consideration and on the terms and in 3207
the manner as the director considers proper, but the director 3208
shall not operate any such property as a business except as the 3209
lessor of it; 3210

(6)(a) When the cost of any contract for the maintenance, 3211
protection, repair, or improvement of any property held by the 3212
director, other than compensation for personal services, involves 3213
an expenditure of more than fifty thousand dollars, the director 3214
shall make a written contract with the lowest responsive and 3215
responsible bidder in accordance with section 9.312 of the Revised 3216
Code after advertisement for not less than two consecutive weeks 3217
in a newspaper of general circulation in the county where such 3218
contract, or some substantial part of it, is to be performed, and 3219
in such other publications as the director determines, which 3220
notice shall state the general character of the work and the 3221

general character of the materials to be furnished, the place 3222
where plans and specifications therefor may be examined, and the 3223
time and place of receiving bids. 3224

(b) Each bid for a contract for the construction, demolition, 3225
alteration, repair, or reconstruction of an improvement shall 3226
contain the full name of every person interested in it and meet 3227
the requirements of section 153.54 of the Revised Code. 3228

(c) Each bid for a contract, except as provided in division 3229
(B)(6)(b) of this section, shall contain the full name of every 3230
person interested in it and shall be accompanied by bond or 3231
certified check on a solvent bank, in such amount as the director 3232
considers sufficient, that if the bid is accepted a contract will 3233
be entered into and the performance of the proposal secured. 3234

(d) The director may reject any and all bids. 3235

(e) A bond with good and sufficient surety, approved by the 3236
director, shall be required of every contractor awarded a contract 3237
except as provided in division (B)(6)(b) of this section, in an 3238
amount equal to at least fifty per cent of the contract price, 3239
conditioned upon faithful performance of the contract. 3240

(7) Employ or contract with financial consultants, 3241
appraisers, consulting engineers, superintendents, managers, 3242
construction and accounting experts, attorneys, and other 3243
employees and agents as are necessary in the director's judgment 3244
and fix their compensation; 3245

(8) Receive and accept grants, gifts, and contributions of 3246
money, property, labor, and other things of value to be held, 3247
used, and applied only for the purpose for which the grants, 3248
gifts, and contributions are made, from individuals, private and 3249
public corporations, from the United States or any agency thereof, 3250
from the state or any agency thereof, and from any political 3251
subdivision of the state, and may agree to repay any contribution 3252

of money or to return any property contributed or the value 3253
thereof at such times, in amounts, and on terms and conditions, 3254
excluding the payment of interest, as the director determines at 3255
the time the contribution is made, and may evidence the 3256
obligations by notes, bonds, or other written instruments; 3257

(9) Establish with the treasurer of state the funds provided 3258
in sections 122.80 and 122.88 of the Revised Code in addition to 3259
such funds as the director determines are necessary or proper; 3260

(10) Adopt rules under Chapter 119. of the Revised Code 3261
necessary to implement sections 122.71 to 122.90 of the Revised 3262
Code. 3263

(11) Do all acts and things necessary or proper to carry out 3264
the powers expressly granted and the duties imposed in sections 3265
122.71 to 122.90 of the Revised Code. 3266

(C)(1) All expenses and obligations incurred by the director 3267
in carrying out the director's powers and in exercising the 3268
director's duties under sections 122.71 to 122.90 of the Revised 3269
Code shall be payable solely from revenues or other receipts or 3270
income of the director, from grants, gifts, and contributions, or 3271
funds established in accordance with such sections. Such sections 3272
do not authorize the director to incur indebtedness or to impose 3273
liability on the state or any political subdivision of the state. 3274

(2) Financial statements and other data submitted to the 3275
director by any corporation, partnership, or person in connection 3276
with financial assistance provided under sections 122.71 to 122.90 3277
of the Revised Code, or any information taken from such statements 3278
or data for any purpose, shall not be open to public inspection. 3279

Sec. 122.90. (A) The director of development may guarantee 3280
bonds executed by sureties for minority businesses and EDGE 3281
business enterprises certified under section 123.152 of the 3282

Revised Code as principals on contracts with the state, any 3283
political subdivision or instrumentality, or any person as the 3284
obligee. The director, as guarantor, may exercise all the rights 3285
and powers of a company authorized by the department of insurance 3286
to guarantee bonds under Chapter 3929. of the Revised Code but 3287
otherwise is not subject to any laws related to a guaranty company 3288
under Title XXXIX of the Revised Code nor to any rules of the 3289
department of insurance. 3290

(B) The director shall adopt rules under Chapter 119. of the 3291
Revised Code to establish procedures for the application for bond 3292
guarantees and the review and approval of applications for bond 3293
guarantees submitted by sureties that execute bonds eligible for 3294
guarantees under division (A) of this section. 3295

(C) In accordance with rules adopted pursuant to this 3296
section, the director may guarantee up to ninety per cent of the 3297
loss incurred and paid by sureties on bonds guaranteed under 3298
division (A) of this section. 3299

(D) The penal sum amounts of all outstanding guarantees made 3300
by the director under this section shall not exceed three times 3301
the difference between the amount of moneys in the minority 3302
business bonding fund and available to the fund under division (B) 3303
of section 169.05 of the Revised Code and the amount of all 3304
outstanding bonds issued by the director in accordance with 3305
division (A) of section 122.89 of the Revised Code. 3306

(E) The director of development, with controlling board 3307
approval, may approve one application per fiscal year from each 3308
surety bond company for bond guarantees in an amount requested to 3309
support one fiscal year of that company's activity under this 3310
section. A surety bond company that applies for a bond guarantee 3311
under this division, whether or not the guarantee is approved, is 3312
not restricted from also applying for individual bond guarantees 3313

under division (A) of this section.

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Sec. 124.09. The director of administrative services shall do
all of the following:

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(A) Prescribe, amend, and enforce administrative rules for
the purpose of carrying out the functions, powers, and duties
vested in and imposed upon the director by this chapter. Except in
the case of rules adopted pursuant to section 124.14 of the
Revised Code, the prescription, amendment, and enforcement of
rules under this division are subject to approval, disapproval, or
modification by the state personnel board of review.

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(B) Keep records of the director's proceedings and records of
all applications for examinations and all examinations conducted
by the director. All such records, except examinations and
recommendations of former employers, shall be open to public
inspection under reasonable regulations; provided the governor, or
any person designated by the governor, may, for the purpose of
investigation, have free access to all such records, whenever the
governor has reason to believe that this chapter, or the
administrative rules of the director prescribed under such
sections, are being violated.

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(C) Prepare, continue, and keep in the office of the
department a complete roster of all persons in the classified
service who are paid directly by warrant of the ~~auditor of state~~
director of budget and management. This roster shall be open to
public inspection at all reasonable hours. It shall show in
reference to each of those persons, the person's name, address,
date of appointment to or employment in the classified service,
and salary or compensation, the title of the place or office that
the person holds, the nature of the duties of that place or
office, and, in case of the person's removal or resignation, the
date of the termination of that service.

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(D) Approve the establishment of all new positions in the 3345
civil service of the state and the reestablishment of abolished 3346
positions. 3347

(E) Require the abolishment of any position in the civil 3348
service of the state that is not filled after a period of twelve 3349
months unless it is determined that the position is seasonal in 3350
nature or that the vacancy is otherwise justified. 3351

(F) Make investigations concerning all matters touching the 3352
enforcement and effect of this chapter and the administrative 3353
rules of the director of administrative services prescribed under 3354
this chapter. In the course of such investigations, the director 3355
or the director's deputy may administer oaths and affirmations and 3356
take testimony relative to any matter which the director has 3357
authority to investigate. 3358

(G) Have the power to subpoena and require the attendance and 3359
testimony of witnesses and the production of books, papers, public 3360
records, and other documentary evidence pertinent to the 3361
investigations, inquiries, or hearings on any matter which the 3362
director has authority to investigate, inquire into or hear, and 3363
to examine them in relation to any matter which the director has 3364
authority to investigate, inquire into, or hear. Fees shall be 3365
allowed to witnesses, and on their certificate, duly audited, 3366
shall be paid by the treasurer of state, or in the case of 3367
municipal or civil service township civil service commissions by 3368
the county treasurer, for attendance and traveling, as is provided 3369
in section 2335.06 of the Revised Code for witnesses in courts of 3370
record. All officers in the civil service of the state or any of 3371
the political subdivisions thereof and their deputies, clerks, and 3372
employees shall attend and testify when summoned to do so by the 3373
director or the state personnel board of review. Depositions of 3374
witnesses may be taken by the director or the board, or any member 3375
thereof, in the manner prescribed by law for like depositions in 3376

civil actions in the courts of common pleas. In case any person, 3377
in disobedience to any subpoena issued by the director or the 3378
board, or any member thereof, or the chief examiner, fails or 3379
refuses to attend and testify to any matter regarding which the 3380
person may be lawfully interrogated, or produce any documentary 3381
evidence pertinent to any investigation, inquiry, or hearing, the 3382
court of common pleas of any county, or any judge thereof, where 3383
such disobedience, failure, or refusal occurs, upon application of 3384
the director or the board, or any member thereof, or a municipal 3385
or civil service township civil service commission, or any 3386
commissioner thereof, or their chief examiner, shall compel 3387
obedience by attachment proceedings for contempt as in the case of 3388
disobedience of the requirements of a subpoena issued from such 3389
courts or a refusal to testify therein. 3390

(H) Make a report to the governor, on or before the first day 3391
of January of each year, showing the director's actions, the rules 3392
and all exceptions thereto in force, and any recommendations for 3393
the more effectual accomplishment of the purposes of this chapter. 3394
The director shall also furnish any special reports to the 3395
governor whenever the governor requests them. Such reports shall 3396
be printed for public distribution under the same regulations as 3397
are the reports of other state officers, boards, or commissions. 3398

Sec. 124.11. The civil service of the state and the several 3399
counties, cities, civil service townships, city health districts, 3400
general health districts, and city school districts thereof shall 3401
be divided into the unclassified service and the classified 3402
service. 3403

(A) The unclassified service shall comprise the following 3404
positions, which shall not be included in the classified service, 3405
and which shall be exempt from all examinations required by this 3406
chapter: 3407

(1) All officers elected by popular vote or persons appointed to fill vacancies in such offices;	3408 3409
(2) All election officers as defined in section 3501.01 of the Revised Code;	3410 3411
(3) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; and the members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district; except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service;	3412 3413 3414 3415 3416 3417 3418 3419 3420 3421
(4) The members of county or district licensing boards or commissions and boards of revision, and deputy county auditors;	3422 3423
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and such employees of the city legislative authority as are engaged in legislative duties;	3424 3425 3426 3427
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	3428 3429 3430
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	3431 3432 3433 3434 3435 3436 3437

(b) The library staff of any library in the state supported 3438
wholly or in part at public expense. 3439

(8) Four clerical and administrative support employees for 3440
each of the elective state officers; and three clerical and 3441
administrative support employees for other elective officers and 3442
each of the principal appointive executive officers, boards, or 3443
commissions, except for civil service commissions, that are 3444
authorized to appoint such clerical and administrative support 3445
employees; 3446

(9) The deputies and assistants of state agencies authorized 3447
to act for and on behalf of the agency, or holding a fiduciary or 3448
administrative relation to that agency and those persons employed 3449
by and directly responsible to elected county officials or a 3450
county administrator and holding a fiduciary or administrative 3451
relationship to such elected county officials or county 3452
administrator, and the employees of such county officials whose 3453
fitness would be impracticable to determine by competitive 3454
examination, provided that division (A)(9) of this section shall 3455
not affect those persons in county employment in the classified 3456
service as of September 19, 1961. Nothing in division (A)(9) of 3457
this section applies to any position in a county department of job 3458
and family services created pursuant to Chapter 329. of the 3459
Revised Code. 3460

(10) Bailiffs, constables, official stenographers, and 3461
commissioners of courts of record, deputies of clerks of the 3462
courts of common pleas who supervise, or who handle public moneys 3463
or secured documents, and such officers and employees of courts of 3464
record and such deputies of clerks of the courts of common pleas 3465
as the director of administrative services finds it impracticable 3466
to determine their fitness by competitive examination; 3467

(11) Assistants to the attorney general, special counsel 3468

appointed or employed by the attorney general, assistants to 3469
county prosecuting attorneys, and assistants to city directors of 3470
law; 3471

(12) Such teachers and employees in the agricultural 3472
experiment stations; such students in normal schools, colleges, 3473
and universities of the state who are employed by the state or a 3474
political subdivision of the state in student or intern 3475
classifications; and such unskilled labor positions as the 3476
director of administrative services or any municipal civil service 3477
commission may find it impracticable to include in the competitive 3478
classified service; provided such exemptions shall be by order of 3479
the commission or the director, duly entered on the record of the 3480
commission or the director with the reasons for each such 3481
exemption; 3482

(13) Any physician or dentist who is a full-time employee of 3483
the department of mental health or the department of mental 3484
retardation and developmental disabilities or of an institution 3485
under the jurisdiction of either department; and physicians who 3486
are in residency programs at the institutions; 3487

(14) Up to twenty positions at each institution under the 3488
jurisdiction of the department of mental health or the department 3489
of mental retardation and developmental disabilities that the 3490
department director determines to be primarily administrative or 3491
managerial; and up to fifteen positions in any division of either 3492
department, excluding administrative assistants to the director 3493
and division chiefs, which are within the immediate staff of a 3494
division chief and which the director determines to be primarily 3495
and distinctively administrative and managerial; 3496

(15) Noncitizens of the United States employed by the state, 3497
or its counties or cities, as physicians or nurses who are duly 3498
licensed to practice their respective professions under the laws 3499

of Ohio, or medical assistants, in mental or chronic disease	3500
hospitals, or institutions;	3501
(16) Employees of the governor's office;	3502
(17) Fire chiefs and chiefs of police in civil service	3503
townships appointed by boards of township trustees under section	3504
505.38 or 505.49 of the Revised Code;	3505
(18) Executive directors, deputy directors, and program	3506
directors employed by boards of alcohol, drug addiction, and	3507
mental health services under Chapter 340. of the Revised Code, and	3508
secretaries of the executive directors, deputy directors, and	3509
program directors;	3510
(19) Superintendents, and management employees as defined in	3511
section 5126.20 of the Revised Code, of county boards of mental	3512
retardation and developmental disabilities;	3513
(20) Physicians, nurses, and other employees of a county	3514
hospital who are appointed pursuant to sections 339.03 and 339.06	3515
of the Revised Code;	3516
(21) The executive director of the state medical board, who	3517
is appointed pursuant to division (B) of section 4731.05 of the	3518
Revised Code;	3519
(22) County directors of job and family services as provided	3520
in section 329.02 of the Revised Code and administrators appointed	3521
under section 329.021 of the Revised Code;	3522
(23) A director of economic development who is hired pursuant	3523
to division (A) of section 307.07 of the Revised Code;	3524
(24) Chiefs of construction and compliance, of operations and	3525
maintenance, and of licensing and certification in the division of	3526
industrial compliance in the department of commerce;	3527
(25) The executive director of a county transit system	3528
appointed under division (A) of section 306.04 of the Revised	3529

Code; 3530

(26) Up to five positions at each of the administrative 3531
departments listed in section 121.02 of the Revised Code and at 3532
the department of taxation, department of the adjutant general, 3533
department of education, Ohio board of regents, bureau of workers' 3534
compensation, industrial commission, state lottery commission, and 3535
public utilities commission of Ohio that the head of that 3536
administrative department or of that other state agency determines 3537
to be involved in policy development and implementation. The head 3538
of the administrative department or other state agency shall set 3539
the compensation for employees in these positions at a rate that 3540
is not less than the minimum compensation specified in pay range 3541
41 but not more than the maximum compensation specified in pay 3542
range 44 of salary schedule E-2 in section 124.152 of the Revised 3543
Code. The authority to establish positions in the unclassified 3544
service under division (A)(26) of this section is in addition to 3545
and does not limit any other authority that an administrative 3546
department or state agency has under the Revised Code to establish 3547
positions, appoint employees, or set compensation. 3548

(27) Employees of the department of agriculture employed 3549
under section 901.09 of the Revised Code; 3550

(28) For cities, counties, civil service townships, city 3551
health districts, general health districts, and city school 3552
districts, the deputies and assistants of elective or principal 3553
executive officers authorized to act for and in the place of their 3554
principals or holding a fiduciary relation to their principals; 3555

(29) Employees who receive external interim, intermittent, or 3556
temporary appointments under division (B) of section 124.30 of the 3557
Revised Code; 3558

(30) Employees appointed to administrative staff positions 3559
for which an appointing authority is given specific statutory 3560

authority to set compensation; 3561

(31) Employees appointed to highway patrol cadet or highway 3562
patrol cadet candidate classifications. 3563

(B) The classified service shall comprise all persons in the 3564
employ of the state and the several counties, cities, city health 3565
districts, general health districts, and city school districts 3566
thereof, not specifically included in the unclassified service. 3567
Upon the creation by the board of trustees of a civil service 3568
township civil service commission, the classified service shall 3569
also comprise, except as otherwise provided in division (A)(17) or 3570
(C) of this section, all persons in the employ of civil service 3571
township police or fire departments having ten or more full-time 3572
paid employees. The classified service consists of two classes, 3573
which shall be designated as the competitive class and the 3574
unskilled labor class. 3575

(1) The competitive class shall include all positions and 3576
employments in the state and the counties, cities, city health 3577
districts, general health districts, and city school districts 3578
thereof, and upon the creation by the board of trustees of a civil 3579
service township of a township civil service commission all 3580
positions in civil service township police or fire departments 3581
having ten or more full-time paid employees, for which it is 3582
practicable to determine the merit and fitness of applicants by 3583
competitive examinations. Appointments shall be made to, or 3584
employment shall be given in, all positions in the competitive 3585
class that are not filled by promotion, reinstatement, transfer, 3586
or reduction, as provided in this chapter, and the rules of the 3587
director of administrative services, by appointment from those 3588
certified to the appointing officer in accordance with this 3589
chapter. 3590

(2) The unskilled labor class shall include ordinary 3591

unskilled laborers. Vacancies in the labor class shall be filled 3592
by appointment from lists of applicants registered by the 3593
director. The director or the commission, by rule, shall require 3594
an applicant for registration in the labor class to furnish such 3595
evidence or take such tests as the director considers proper with 3596
respect to age, residence, physical condition, ability to labor, 3597
honesty, sobriety, industry, capacity, and experience in the work 3598
or employment for which application is made. Laborers who fulfill 3599
the requirements shall be placed on the eligible list for the kind 3600
of labor or employment sought, and preference shall be given in 3601
employment in accordance with the rating received from such 3602
evidence or in such tests. Upon the request of an appointing 3603
officer, stating the kind of labor needed, the pay and probable 3604
length of employment, and the number to be employed, the director 3605
shall certify from the highest on the list double the number to be 3606
employed; from this number the appointing officer shall appoint 3607
the number actually needed for the particular work. If more than 3608
one applicant receives the same rating, priority in time of 3609
application shall determine the order in which their names shall 3610
be certified for appointment. 3611

(C) A municipal or civil service township civil service 3612
commission may place volunteer firefighters who are paid on a 3613
fee-for-service basis in either the classified or the unclassified 3614
civil service. 3615

(D) This division does not apply to persons in the 3616
unclassified service who have the right to resume positions in the 3617
classified service under sections 4121.121, 5119.071, 5120.07, 3618
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 3619
Revised Code. 3620

An appointing authority whose employees are paid directly by 3621
warrant of the ~~auditor of state~~ director of budget and management 3622
may appoint a person who holds a certified position in the 3623

classified service within the appointing authority's agency to a 3624
position in the unclassified service within that agency. A person 3625
appointed pursuant to this division to a position in the 3626
unclassified service shall retain the right to resume the position 3627
and status held by the person in the classified service 3628
immediately prior to the person's appointment to the position in 3629
the unclassified service, regardless of the number of positions 3630
the person held in the unclassified service. Reinstatement to a 3631
position in the classified service shall be to a position 3632
substantially equal to that position in the classified service 3633
held previously, as certified by the director of administrative 3634
services. If the position the person previously held in the 3635
classified service has been placed in the unclassified service or 3636
is otherwise unavailable, the person shall be appointed to a 3637
position in the classified service within the appointing 3638
authority's agency that the director of administrative services 3639
certifies is comparable in compensation to the position the person 3640
previously held in the classified service. Service in the position 3641
in the unclassified service shall be counted as service in the 3642
position in the classified service held by the person immediately 3643
prior to the person's appointment to the position in the 3644
unclassified service. When a person is reinstated to a position in 3645
the classified service as provided in this division, the person is 3646
entitled to all rights, status, and benefits accruing to the 3647
position in the classified service during the person's time of 3648
service in the position in the unclassified service. 3649

Sec. 124.137. There is hereby created in the state treasury 3650
the parental leave benefit fund. The director of administrative 3651
services shall use moneys credited to the fund solely for the 3652
payment of parental leave benefits available to employees paid by 3653
warrant of the ~~auditor of state~~ director of budget and management 3654
and for payment of any direct and indirect costs that are 3655

attributable to consultants or a third-party administrator and 3656
that are necessary to administer this section. All investment 3657
earnings of the parental leave fund shall be credited to the fund. 3658

The director of administrative services, in consultation with 3659
the director of budget and management, shall determine a rate at 3660
which the payrolls of all state agencies with employees paid by 3661
warrant of the ~~auditor of state~~ director of budget and management 3662
shall be charged each pay period that is sufficient to cover the 3663
costs of administering the parental leave benefit program. The 3664
rate shall be based on the total number of such employees and may 3665
be adjusted as the director of administrative services, in 3666
consultation with the director of budget and management, considers 3667
necessary. All money collected from the assessment shall be 3668
credited to the parental leave benefit fund. 3669

Sec. 124.138. The director of administrative services may 3670
establish paid leaves and employee benefits for eligible full-time 3671
fire fighters employed by the adjutant general's department that 3672
are comparable to paid leaves and employee benefits provided to 3673
other full-time permanent employees paid directly by warrant of 3674
the ~~auditor of state~~ director of budget and management. Any paid 3675
leaves and employee benefits established under this section shall 3676
be limited to fire fighters regularly scheduled to work at least 3677
one hundred four hours per biweekly pay period and shall be 3678
adjusted so that the ratio between the hours worked and the paid 3679
leave hours earned shall be the same as the ratio between the 3680
hours worked and the paid leave hours earned by full-time 3681
permanent employees with the same amount of accrued service. The 3682
director of administrative services shall adopt rules in 3683
accordance with Chapter 119. of the Revised Code governing any 3684
paid leaves and employee benefits established under this section. 3685

Sec. 124.139. (A) A full-time state employee shall receive up 3686

to two hundred forty hours of leave with pay during each calendar 3687
year to use during those hours when the employee is absent from 3688
work because of the employee's donation of any portion of an adult 3689
liver or because of the employee's donation of an adult kidney. 3690

(B) A full-time state employee shall receive up to fifty-six 3691
hours of leave with pay during each calendar year to use during 3692
those hours when the employee is absent from work because of the 3693
employee's donation of adult bone marrow. 3694

(C) An appointing authority shall compensate a full-time 3695
state employee who uses leave granted under division (A) or (B) of 3696
this section at the employee's regular rate of pay for those 3697
regular work hours during which the employee is absent from work. 3698

(D)(1) The director of administrative services, under section 3699
124.04 of the Revised Code, shall provide information about this 3700
section to full-time employees who are paid directly by warrant of 3701
the ~~auditor of state~~ director of budget and management. 3702

(2) The appointing authority of full-time employees who are 3703
not paid directly by warrant of the ~~auditor of state~~ director of 3704
budget and management shall periodically provide information about 3705
this section to those employees. 3706

Sec. 124.14. (A)(1) The director of administrative services 3707
shall establish, and may modify or repeal, by rule, a job 3708
classification plan for all positions, offices, and employments 3709
the salaries of which are paid in whole or in part by the state. 3710
The director shall group jobs within a classification so that the 3711
positions are similar enough in duties and responsibilities to be 3712
described by the same title, to have the same pay assigned with 3713
equity, and to have the same qualifications for selection applied. 3714
The director shall, by rule, assign a classification title to each 3715
classification within the classification plan. However, the 3716
director shall consider in establishing classifications, including 3717

classifications with parenthetical titles, and assigning pay 3718
ranges such factors as duties performed only on one shift, special 3719
skills in short supply in the labor market, recruitment problems, 3720
separation rates, comparative salary rates, the amount of training 3721
required, and other conditions affecting employment. The director 3722
shall describe the duties and responsibilities of the class and 3723
establish the qualifications for being employed in that position, 3724
and shall file with the secretary of state a copy of 3725
specifications for all of the classifications. The director shall 3726
file new, additional, or revised specifications with the secretary 3727
of state before being used. 3728

The director shall, by rule, assign each classification, 3729
either on a statewide basis or in particular counties or state 3730
institutions, to a pay range established under section 124.15 or 3731
section 124.152 of the Revised Code. The director may assign a 3732
classification to a pay range on a temporary basis for a period of 3733
time designated in the rule. The director may establish, by rule 3734
adopted under Chapter 119. of the Revised Code, experimental 3735
classification plans for some or all employees paid directly by 3736
warrant of the ~~auditor of state~~ director of budget and management. 3737
The rule shall include specifications for each classification 3738
within the plan and shall specifically address compensation 3739
ranges, and methods for advancing within the ranges, for the 3740
classifications, which may be assigned to pay ranges other than 3741
the pay ranges established under section 124.15 or 124.152 of the 3742
Revised Code. 3743

(2) The director of administrative services may reassign to a 3744
proper classification those positions that have been assigned to 3745
an improper classification. If the compensation of an employee in 3746
such a reassigned position exceeds the maximum rate of pay for the 3747
employee's new classification, the employee shall be placed in pay 3748
step X and shall not receive an increase in compensation until the 3749

maximum rate of pay for that classification exceeds the employee's 3750
compensation. 3751

(3) The director may reassign an exempt employee, as defined 3752
in section 124.152 of the Revised Code, to a bargaining unit 3753
classification if the director determines that the bargaining unit 3754
classification is the proper classification for that employee. 3755
Notwithstanding Chapter 4117. of the Revised Code or instruments 3756
and contracts negotiated under it, such placements are at the 3757
director's discretion. 3758

(4) The director shall, by rule, assign related 3759
classifications, which form a career progression, to a 3760
classification series. The director shall, by rule, assign each 3761
classification in the classification plan a five-digit number, the 3762
first four digits of which shall denote the classification series 3763
to which the classification is assigned. When a career progression 3764
encompasses more than ten classifications, the director shall, by 3765
rule, identify the additional classifications belonging to a 3766
classification series. Such additional classifications shall be 3767
part of the classification series, notwithstanding the fact that 3768
the first four digits of the number assigned to the additional 3769
classifications do not correspond to the first four digits of the 3770
numbers assigned to other classifications in the classification 3771
series. 3772

(5) The director shall adopt rules in accordance with Chapter 3773
119. of the Revised Code for the establishment of a classification 3774
plan for county agencies that elect not to use the services and 3775
facilities of a county personnel department. The rules shall 3776
include a methodology for the establishment of titles unique to 3777
county agencies, the use of state classification titles and 3778
classification specifications for common positions, the criteria 3779
for a county to meet in establishing its own classification plan, 3780
and the establishment of what constitutes a classification series 3781

for county agencies.	3782
(B) Division (A) of this section and sections 124.15 and 124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments:	3783 3784 3785
(1) Elected officials;	3786
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	3787 3788 3789 3790 3791 3792
(3) Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;	3793 3794 3795
(4) Any position for which the authority to determine compensation is given by law to another individual or entity;	3796 3797
(5) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	3798 3799 3800 3801
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	3802 3803
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before the hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director shall also send such appointing authorities notice of any final rule which is adopted within ten	3804 3805 3806 3807 3808 3809 3810 3811

days after adoption. 3812

(2) When the director proposes to reclassify any employee so 3813
that the employee is adversely affected, the director shall give 3814
to the employee affected and to the employee's appointing 3815
authority a written notice setting forth the proposed new 3816
classification, pay range, and salary. Upon the request of any 3817
classified employee who is not serving in a probationary period, 3818
the director shall perform a job audit to review the 3819
classification of the employee's position to determine whether the 3820
position is properly classified. The director shall give to the 3821
employee affected and to the employee's appointing authority a 3822
written notice of the director's determination whether or not to 3823
reclassify the position or to reassign the employee to another 3824
classification. An employee or appointing authority desiring a 3825
hearing shall file a written request for the hearing with the 3826
state personnel board of review within thirty days after receiving 3827
the notice. The board shall set the matter for a hearing and 3828
notify the employee and appointing authority of the time and place 3829
of the hearing. The employee, appointing authority, or any 3830
authorized representative of the employee who wishes to submit 3831
facts for the consideration of the board shall be afforded 3832
reasonable opportunity to do so. After the hearing, the board 3833
shall consider anew the reclassification and may order the 3834
reclassification of the employee and require the director to 3835
assign the employee to such appropriate classification as the 3836
facts and evidence warrant. As provided in division (A) of section 3837
124.03 of the Revised Code, the board may determine the most 3838
appropriate classification for the position of any employee coming 3839
before the board, with or without a job audit. The board shall 3840
disallow any reclassification or reassignment classification of 3841
any employee when it finds that changes have been made in the 3842
duties and responsibilities of any particular employee for 3843

political, religious, or other unjust reasons. 3844

(E)(1) Employees of each county department of job and family 3845
services shall be paid a salary or wage established by the board 3846
of county commissioners. The provisions of section 124.18 of the 3847
Revised Code concerning the standard work week apply to employees 3848
of county departments of job and family services. A board of 3849
county commissioners may do either of the following: 3850

(a) Notwithstanding any other section of the Revised Code, 3851
supplement the sick leave, vacation leave, personal leave, and 3852
other benefits of any employee of the county department of job and 3853
family services of that county, if the employee is eligible for 3854
the supplement under a written policy providing for the 3855
supplement; 3856

(b) Notwithstanding any other section of the Revised Code, 3857
establish alternative schedules of sick leave, vacation leave, 3858
personal leave, or other benefits for employees not inconsistent 3859
with the provisions of a collective bargaining agreement covering 3860
the affected employees. 3861

(2) The provisions of division (E)(1) of this section do not 3862
apply to employees for whom the state employment relations board 3863
establishes appropriate bargaining units pursuant to section 3864
4117.06 of the Revised Code, except in either of the following 3865
situations: 3866

(a) The employees for whom the state employment relations 3867
board establishes appropriate bargaining units elect no 3868
representative in a board-conducted representation election. 3869

(b) After the state employment relations board establishes 3870
appropriate bargaining units for such employees, all employee 3871
organizations withdraw from a representation election. 3872

(F) With respect to officers and employees of state-supported 3873

colleges and universities and except for the powers and duties of 3874
the state personnel board of review set forth in section 124.03 of 3875
the Revised Code, the powers, duties, and functions of the 3876
department of administrative services and of the director of 3877
administrative services specified in this chapter are hereby 3878
vested in and assigned to the boards of trustees of those colleges 3879
and universities, or those officers to whom the boards of trustees 3880
have delegated these powers, duties, and functions, subject to a 3881
periodic audit and review by the director. In exercising the 3882
powers, duties, and functions of the director, the boards of 3883
trustees or the officers to whom these powers, duties, and 3884
functions were delegated need not establish a job classification 3885
plan for unclassified employees and may proceed under section 3886
111.15 of the Revised Code when exercising the director's 3887
rule-making authority. The adoption, amendment, rescission, and 3888
enforcement of rules under this division is not subject to 3889
approval, disapproval, or modification by the state personnel 3890
board of review. Nothing in this division shall be construed to 3891
limit the right of any classified employee who possesses the right 3892
of appeal to the state personnel board of review to continue to 3893
possess that right of appeal. 3894

Upon the director's determination or finding of the misuse by 3895
the board of trustees of or a designated officer of a 3896
state-supported college or university of the authority granted 3897
under this division, the director shall order and direct the 3898
personnel functions of that state-supported college or university 3899
until sections 124.01 to 124.64 of the Revised Code have been 3900
fully complied with. 3901

(G)(1) Each board of county commissioners may, by a 3902
resolution adopted by a majority of its members, establish a 3903
county personnel department to exercise the powers, duties, and 3904
functions specified in division (G) of this section. As used in 3905

division (G) of this section, "county personnel department" means 3906
a county personnel department established by a board of county 3907
commissioners under division (G)(1) of this section. 3908

(2) Each board of county commissioners may, by a resolution 3909
adopted by a majority of its members, designate the county 3910
personnel department of the county to exercise the powers, duties, 3911
and functions of the department of administrative services and the 3912
director of administrative services specified in sections 124.01 3913
to 124.64 and Chapter 325. of the Revised Code, except for the 3914
powers and duties of the state personnel board of review, which 3915
powers and duties shall not be construed as having been modified 3916
or diminished in any manner by division (G)(2) of this section, 3917
with respect to the employees for whom the board of county 3918
commissioners is the appointing authority or co-appointing 3919
authority. Upon certification of a copy of the resolution by the 3920
board to the director, these powers, duties, and functions are 3921
vested in and assigned to the county personnel department with 3922
respect to the employees for whom the board of county 3923
commissioners is the appointing authority or co-appointing 3924
authority. The certification to the director shall be provided not 3925
later than one hundred twenty days before the first day of July of 3926
an odd-numbered year, and, following the certification, the 3927
powers, duties, and functions specified in sections 124.01 to 3928
124.64 and Chapter 325. of the Revised Code shall be vested in and 3929
assigned to the county personnel department on that first day of 3930
July. Nothing in division (G)(2) of this section shall be 3931
construed to limit the right of any employee who possesses the 3932
right of appeal to the state personnel board of review to continue 3933
to possess that right of appeal. 3934

Any board of county commissioners that has established a 3935
county personnel department may contract with the department of 3936
administrative services, another political subdivision, or an 3937

appropriate public or private entity to provide competitive 3938
testing services or other appropriate services. 3939

(3) After the county personnel department of a county has 3940
assumed the powers, duties, and functions of the department of 3941
administrative services and the director as described in division 3942
(G)(2) of this section, any elected official, board, agency, or 3943
other appointing authority of that county may, upon notification 3944
to the director, elect to use the services and facilities of the 3945
county personnel department. Upon the acceptance by the director 3946
of such notification, the county personnel department shall 3947
exercise the powers, duties, and functions of the department of 3948
administrative services and the director as described in division 3949
(G)(2) of this section with respect to the employees of that 3950
elected official, board, agency, or other appointing authority. 3951
The notification to the director shall be provided not later than 3952
one hundred twenty days before the first day of July of an 3953
odd-numbered year, and, following the notification, the powers, 3954
duties, and functions specified in sections 124.01 to 124.64 and 3955
Chapter 325. of the Revised Code with respect to the employees of 3956
that elected official, board, agency, or other appointing 3957
authority shall be vested in and assigned to the county personnel 3958
department on that first day of July. Except for those employees 3959
under the jurisdiction of the county personnel department, the 3960
director shall continue to exercise these powers, duties, and 3961
functions with respect to employees of the county. 3962

(4) Each board of county commissioners that has established a 3963
county personnel department may, by a resolution adopted by a 3964
majority of its members, disband the county personnel department 3965
and return to the department of administrative services for the 3966
administration of sections 124.01 to 124.64 and Chapter 325. of 3967
the Revised Code. The board shall, not later than one hundred 3968
twenty days before the first day of July of an odd-numbered year, 3969

send the director a certified copy of the resolution disbanding 3970
the county personnel department. All powers, duties, and functions 3971
previously vested in and assigned to the county personnel 3972
department shall return to the director on that first day of July. 3973

(5) Any elected official, board, agency, or appointing 3974
authority of a county may return to the department of 3975
administrative services for the administration of sections 124.01 3976
to 124.64 and Chapter 325. of the Revised Code. The elected 3977
official, board, agency, or appointing authority shall, not later 3978
than one hundred twenty days before the first day of July of an 3979
odd-numbered year, send the director a certified copy of the 3980
resolution that states its decision. All powers, duties, and 3981
functions previously vested in and assigned to the county 3982
personnel department with respect to the employees of that elected 3983
official, board, agency, or appointing authority shall return to 3984
the director on that first day of July. 3985

(6) The director, by rule adopted in accordance with Chapter 3986
119. of the Revised Code, shall prescribe criteria and procedures 3987
for granting to each county personnel department the powers, 3988
duties, and functions of the department of administrative services 3989
and the director as described in division (G)(2) of this section 3990
with respect to the employees of an elected official, board, 3991
agency, or other appointing authority or co-appointing authority. 3992
The rules shall cover the following criteria and procedures: 3993

(a) The notification to the department of administrative 3994
services that an elected official, board, agency, or other 3995
appointing authority of a county has elected to use the services 3996
and facilities of the county personnel department; 3997

(b) A requirement that each county personnel department, in 3998
carrying out its duties, adhere to merit system principles with 3999
regard to employees of county departments of job and family 4000

services, child support enforcement agencies, and public child 4001
welfare agencies so that there is no threatened loss of federal 4002
funding for these agencies, and a requirement that the county be 4003
financially liable to the state for any loss of federal funds due 4004
to the action or inaction of the county personnel department. The 4005
costs associated with audits conducted to monitor compliance with 4006
division (G)(6)(b) of this section shall be borne equally by the 4007
department of administrative services and the county. 4008

(c) The termination of services and facilities rendered by 4009
the department of administrative services, to include rate 4010
adjustments, time periods for termination, and other related 4011
matters; 4012

(d) Authorization for the director of administrative services 4013
to conduct periodic audits and reviews of county personnel 4014
departments to guarantee the uniform application of this granting 4015
of the director's powers, duties, and functions. The costs of the 4016
audits and reviews shall be borne equally by the department of 4017
administrative services and the county for which the services were 4018
performed. 4019

(e) The dissemination of audit findings under division 4020
(G)(5)(d) of this section, any appeals process relating to adverse 4021
findings by the department, and the methods whereby the county 4022
personnel program will revert to the authority of the director of 4023
administrative services due to misuse or nonuniform application of 4024
the authority granted to the county under division (G)(2) or (3) 4025
of this section. 4026

(H) The director of administrative services shall establish 4027
the rate and method of compensation for all employees who are paid 4028
directly by warrant of the ~~auditor of state~~ director of budget and 4029
management and who are serving in positions which the director of 4030
administrative services has determined impracticable to include in 4031

the state job classification plan. This division does not apply to 4032
elected officials, legislative employees, employees of the 4033
legislative service commission, employees who are in the 4034
unclassified civil service and exempt from collective bargaining 4035
coverage in the office of the secretary of state, auditor of 4036
state, treasurer of state, and attorney general, employees of the 4037
courts, employees of the bureau of workers' compensation whose 4038
compensation the administrator of workers' compensation 4039
establishes under division (B) of section 4121.121 of the Revised 4040
Code, or employees of an appointing authority authorized by law to 4041
fix the compensation of those employees. 4042

(I) The director shall set the rate of compensation for all 4043
intermittent, interim, seasonal, temporary, emergency, and casual 4044
employees who are not considered public employees under section 4045
4117.01 of the Revised Code. Such employees are not entitled to 4046
receive employee benefits. This rate of compensation shall be 4047
equitable in terms of the rate of employees serving in the same or 4048
similar classifications. This division does not apply to elected 4049
officials, legislative employees, employees of the legislative 4050
service commission, employees who are in the unclassified civil 4051
service and exempt from collective bargaining coverage in the 4052
office of the secretary of state, auditor of state, treasurer of 4053
state, and attorney general, employees of the courts, employees of 4054
the bureau of workers' compensation whose compensation the 4055
administrator establishes under division (B) of section 4121.121 4056
of the Revised Code, or employees of an appointing authority 4057
authorized by law to fix the compensation of those employees. 4058

Sec. 124.151. (A) As used in this section, "compensation" 4059
includes, but is not limited to, wages and salary, travel 4060
allowances paid pursuant to section 101.27 of the Revised Code, 4061
and benefits paid pursuant to sections 124.13, 124.19, 124.381, 4062
124.382, 124.383, 124.384, 124.385, and 124.386 of the Revised 4063

Code. 4064

(B) The compensation of any employee whose employment 4065
commenced on or after ~~the effective date of this amendment~~ June 5, 4066
2002, and who is paid by warrant of the ~~auditor of state~~ director 4067
of budget and management shall be paid by direct deposit. Each 4068
such employee shall provide to the appointing authority a written 4069
authorization for payment by direct deposit. The authorization 4070
shall include the designation of a financial institution equipped 4071
to accept direct deposits and the number of the account into which 4072
the deposit is to be made. The authorization shall remain in 4073
effect until withdrawn in writing by the employee or until 4074
dishonored by the financial institution. The director of 4075
administrative services shall provide by rule adopted under 4076
Chapter 119. of the Revised Code for the direct deposit in a 4077
financial institution of the compensation of an employee who fails 4078
to provide to the appointing authority a written authorization for 4079
payment by direct deposit. 4080

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 4081
and (3) of this section, each exempt employee shall be paid a 4082
salary or wage in accordance with schedule E-1 or schedule E-2 of 4083
division (B) or (C) of this section. 4084

(2) Each exempt employee who holds a position in the 4085
unclassified civil service pursuant to division (A)(26) or (30) of 4086
section 124.11 of the Revised Code may be paid a salary or wage in 4087
accordance with schedule E-1, schedule E-1 for step seven only, or 4088
schedule E-2 of division (B), (C), (D), or (E) of this section, as 4089
applicable. 4090

(3)(a) Except as provided in division (A)(3)(b) of this 4091
section, each exempt employee who was paid a salary or wage at 4092
step 7 in the employee's pay range on June 28, 2003, in accordance 4093
with the applicable schedule E-1 of former section 124.152 of the 4094

Revised Code and who continued to be so paid on June 29, 2003,
shall be paid a salary or wage in the corresponding pay range in
schedule E-1 for step seven only of division (D) or (E) of this
section for as long as the employee remains in the position the
employee held as of July 1, 2003.

(b) Except as provided in division (A)(3)(c) of this section,
if an exempt employee who is being paid a salary or wage in
accordance with schedule E-1 for step seven only of division (D)
or (E) of this section moves to another position, the employee
shall not receive a salary or wage for that position or any other
position in the future in accordance with that schedule.

(c) If an exempt employee who is being paid a salary or wage
in accordance with schedule E-1 for step seven only of division
(D) or (E) of this section moves to another position assigned to
pay range 12 or above, the appointing authority has the discretion
to assign the employee to be paid a salary or wage in the
appropriate pay range for that position in accordance with
schedule E-1 for step seven only, provided that the appointing
authority so notifies the director of administrative services in
writing at the time the employee is appointed to that position.

(B) Beginning on the first day of the pay period that
includes July 1, 2002, each exempt employee who must be paid in
accordance with schedule E-1 or schedule E-2 of this section shall
be paid a salary or wage in accordance with the following schedule
of rates:

Schedule E-1

		Pay Ranges and Step Values						
		Step	Step	Step	Step	Step	Step	
Range		1	2	3	4	5	6	
1	Hourly	8.78	9.16	9.56	9.97			
	Annually	18262	19053	19885	20738			

2	Hourly	10.64	11.09	11.58	12.08			4126
	Annually	22131	23067	24086	25126			4127
3	Hourly	11.14	11.65	12.16	12.69			4128
	Annually	23171	24232	25293	26395			4129
4	Hourly	11.70	12.23	12.81	13.38			4130
	Annually	24336	25438	26645	27830			4131
5	Hourly	12.28	12.84	13.38	13.97			4132
	Annually	25542	26707	27830	29058			4133
6	Hourly	12.94	13.47	14.07	14.64			4134
	Annually	26915	28018	29266	30451			4135
7	Hourly	13.74	14.26	14.83	15.35	15.94		4136
	Annually	28579	29661	30846	31928	33155		4137
8	Hourly	14.53	15.16	15.83	16.53	17.23		4138
	Annually	30222	31533	32926	34382	35838		4139
9	Hourly	15.50	16.30	17.11	17.95	18.87		4140
	Annually	32240	33904	35589	37336	39250		4141
10	Hourly	16.72	17.63	18.58	19.65	20.70		4142
	Annually	34778	36670	38646	40872	43056		4143
11	Hourly	18.20	19.27	20.38	21.53	22.76		4144
	Annually	37856	40082	42390	44782	47341		4145
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	4146
	Annually	41766	44117	46488	49067	51792	54621	4147
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	4148
	Annually	46030	48568	51230	53976	56992	60112	4149
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	4150
	Annually	50648	53498	56368	59467	62816	66310	4151
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	4152
	Annually	55619	58739	62067	65478	69098	72925	4153
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	4154
	Annually	61318	64730	68307	72114	76107	80434	4155
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	4156
	Annually	67579	71302	75296	79456	83886	88566	4157
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	4158

	Annually	74464	78582	82992	87589	92414	97594	4159
	Schedule E-2							4160
	Range			Minimum			Maximum	4161
41	Hourly			16.23			32.46	4162
	Annually			33758			67517	4163
42	Hourly			17.89			35.86	4164
	Annually			37211			74589	4165
43	Hourly			19.70			39.49	4166
	Annually			40976			82139	4167
44	Hourly			21.73			43.13	4168
	Annually			45198			89710	4169
45	Hourly			24.01			47.09	4170
	Annually			49941			97947	4171
46	Hourly			26.43			51.46	4172
	Annually			54974			107037	4173
47	Hourly			29.14			56.16	4174
	Annually			60611			116813	4175
48	Hourly			32.14			61.29	4176
	Annually			66851			127483	4177
49	Hourly			35.44			66.18	4178
	Annually			73715			137654	4179
	(C) Beginning on the first day of the pay period that							4180
	includes July 1, 2005, each exempt employee who must be paid in							4181
	accordance with schedule E-1 or schedule E-2 of this section shall							4182
	be paid a salary or wage in accordance with the following schedule							4183
	of rates:							4184
	Schedule E-1							4185
	Pay Ranges and Step Values							4186
	Step	Step	Step	Step	Step	Step		4187
	Range	1	2	3	4	5	6	4188
1	Hourly	9.13	9.53	9.94	10.37			4189
	Annually	18990	19822	20675	21570			4190

2	Hourly	11.07	11.53	12.04	12.56			4191
	Annually	23026	23982	25043	26125			4192
3	Hourly	11.59	12.12	12.65	13.20			4193
	Annually	24107	25210	26312	27456			4194
4	Hourly	12.17	12.72	13.32	13.92			4195
	Annually	25314	26458	27706	28954			4196
5	Hourly	12.77	13.35	13.92	14.53			4197
	Annually	26562	27768	28954	30222			4198
6	Hourly	13.46	14.01	14.63	15.23			4199
	Annually	27997	29141	30430	31678			4200
7	Hourly	14.29	14.83	15.42	15.96	16.58		4201
	Annually	29723	30846	32074	33197	34486		4202
8	Hourly	15.11	15.77	16.46	17.19	17.92		4203
	Annually	31429	32802	34237	35755	37274		4204
9	Hourly	16.12	16.95	17.79	18.67	19.62		4205
	Annually	33530	35256	37003	38834	40810		4206
10	Hourly	17.39	18.34	19.32	20.44	21.53		4207
	Annually	36171	38147	40186	42515	44782		4208
11	Hourly	18.93	20.04	21.20	22.39	23.67		4209
	Annually	39374	41683	44096	46571	49234		4210
12	Hourly	20.88	22.06	23.24	24.53	25.90	27.31	4211
	Annually	43430	45885	48339	51022	53872	56805	4212
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	4213
	Annually	47882	50502	53290	56139	59280	62525	4214
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	4215
	Annually	52666	55640	58614	61838	65333	68973	4216
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	4217
	Annually	57845	61090	64542	68099	71864	75837	4218
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	4219
	Annually	63773	67309	71032	75005	79144	83658	4220
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	4221
	Annually	70283	74152	78312	82638	87235	92102	4222
18	Hourly	37.23	39.29	41.50	43.79	46.21	48.80	4223

	Annually	77438	81723	86320	91083	96117	101504	4224
	Schedule E-2							4225
	Range			Minimum			Maximum	4226
41	Hourly			16.23			33.76	4227
	Annually			33758			70221	4228
42	Hourly			17.89			37.29	4229
	Annually			37211			77563	4230
43	Hourly			19.70			41.07	4231
	Annually			40976			85426	4232
44	Hourly			21.73			44.86	4233
	Annually			45198			93309	4234
45	Hourly			24.01			48.97	4235
	Annually			49941			101858	4236
46	Hourly			26.43			53.52	4237
	Annually			54974			111322	4238
47	Hourly			29.14			58.41	4239
	Annually			60611			121493	4240
48	Hourly			32.14			63.74	4241
	Annually			66851			132579	4242
49	Hourly			35.44			68.83	4243
	Annually			73715			143166	4244
	(D) Beginning on the first day of the pay period that							4245
	includes July 1, 2003, each exempt employee who must be paid in							4246
	accordance with schedule E-1 for step seven only shall be paid a							4247
	salary or wage in accordance with the following schedule of rates:							4248
	Schedule E-1 for Step Seven Only							4249
	Pay Ranges and Step Seven Values							4250
	Range							4251
12	Hourly	27.71						4252
	Annually	57637						4253
13	Hourly	30.49						4254
	Annually	63419						4255

14	Hourly	33.62	4256
	Annually	69930	4257
15	Hourly	36.98	4258
	Annually	76918	4259
16	Hourly	40.80	4260
	Annually	84864	4261
17	Hourly	44.93	4262
	Annually	93454	4263
18	Hourly	49.50	4264
	Annually	102960	4265

(E) Beginning on the first day of the pay period that 4266
includes July 1, 2005, each exempt employee who must be paid in 4267
accordance with schedule E-1 for step seven only shall be paid a 4268
salary or wage in accordance with the following schedule of rates: 4269

Schedule E-1 for Step Seven Only 4270
Pay Ranges and Step Seven Values 4271

	Range		4272
12	Hourly	28.82	4273
	Annually	59946	4274
13	Hourly	31.71	4275
	Annually	65957	4276
14	Hourly	34.96	4277
	Annually	72717	4278
15	Hourly	38.46	4279
	Annually	79997	4280
16	Hourly	42.43	4281
	Annually	88254	4282
17	Hourly	46.73	4283
	Annually	97198	4284
18	Hourly	51.48	4285
	Annually	107078	4286

(F) As used in this section, "exempt employee" means a 4287

permanent full-time or permanent part-time employee paid directly 4288
by warrant of the ~~auditor of state~~ director of budget and 4289
management whose position is included in the job classification 4290
plan established under division (A) of section 124.14 of the 4291
Revised Code but who is not considered a public employee for the 4292
purposes of Chapter 4117. of the Revised Code. As used in this 4293
section, "exempt employee" also includes a permanent full-time or 4294
permanent part-time employee of the secretary of state, auditor of 4295
state, treasurer of state, or attorney general who has not been 4296
placed in an appropriate bargaining unit by the state employment 4297
relations board. 4298

Sec. 124.18. (A) Forty hours shall be the standard work week 4299
for all employees whose salary or wage is paid in whole or in part 4300
by the state or by any state-supported college or university. When 4301
any employee whose salary or wage is paid in whole or in part by 4302
the state or by any state-supported college or university is 4303
required by an authorized administrative authority to be in an 4304
active pay status more than forty hours in any calendar week, the 4305
employee shall be compensated for such time over forty hours, 4306
except as otherwise provided in this section, at one and one-half 4307
times the employee's regular rate of pay. The use of sick leave 4308
shall not be considered to be active pay status for the purposes 4309
of earning overtime or compensatory time by employees whose wages 4310
are paid directly by warrant of the auditor of state. A 4311
flexible-hours employee is not entitled to compensation for 4312
overtime work unless the employee's authorized administrative 4313
authority required the employee to be in active pay status for 4314
more than forty hours in a calendar week, regardless of the number 4315
of hours the employee works on any day in the same calendar week. 4316

Such compensation for overtime work shall be paid no later 4317
than at the conclusion of the next succeeding pay period. 4318

If the employee elects to take compensatory time off in lieu 4319
of overtime pay for any overtime worked, such compensatory time 4320
shall be granted by the employee's administrative superior, on a 4321
time and one-half basis, at a time mutually convenient to the 4322
employee and the administrative superior. An employee may accrue 4323
compensatory time to a maximum of two hundred forty hours, except 4324
that public safety employees and other employees who meet the 4325
criteria established in the "Federal Fair Labor Standards Act of 4326
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue 4327
a maximum of four hundred eighty hours of compensatory time. An 4328
employee shall be paid at the employee's regular rate of pay for 4329
any hours of compensatory time accrued in excess of these maximum 4330
amounts if the employee has not used the compensatory time within 4331
one hundred eighty days after it is granted, if the employee 4332
transfers to another agency of the state, or if a change in the 4333
employee's status exempts the employee from the payment of 4334
overtime compensation. Upon the termination of employment, any 4335
employee with accrued but unused compensatory time shall be paid 4336
for that time at a rate that is the greater of the employee's 4337
final regular rate of pay or the employee's average regular rate 4338
of pay during the employee's last three years of employment with 4339
the state. 4340

No overtime, as described in this section, can be paid unless 4341
it has been authorized by the authorized administrative authority. 4342
Employees may be exempted from the payment of compensation as 4343
required by this section only under the criteria for exemption 4344
from the payment of overtime compensation established in the 4345
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 4346
U.S.C.A. 207, 213, as amended. With the approval of the director 4347
of administrative services, the appointing authority may establish 4348
a policy to grant compensatory time or to pay compensation to 4349
state employees who are exempt from overtime compensation. With 4350

the approval of the board of county commissioners, a county human 4351
services department may establish a policy to grant compensatory 4352
time or to pay compensation to employees of the department who are 4353
exempt from overtime compensation. 4354

(B) An employee, whose salary or wage is paid in whole or in 4355
part by the state, shall be paid for the holidays declared in 4356
section 124.19 of the Revised Code and shall not be required to 4357
work on those holidays, unless, in the opinion of the employee's 4358
responsible administrative authority, failure to work on those 4359
holidays would impair the public service. An employee paid 4360
directly by warrant of the ~~auditor of state~~ director of budget and 4361
management who is scheduled to work on a holiday and who does not 4362
report to work due to an illness of the employee or of a member of 4363
the employee's immediate family shall not receive holiday pay as 4364
provided by this division. An employee also shall not be paid for 4365
a holiday unless the employee was in active pay status on the 4366
scheduled work day immediately preceding the holiday. 4367

If any of the holidays declared in section 124.19 of the 4368
Revised Code falls on Saturday, the Friday immediately preceding 4369
shall be observed as the holiday. If any of the holidays declared 4370
in section 124.19 of the Revised Code falls on Sunday, the Monday 4371
immediately succeeding shall be observed as the holiday. Employees 4372
whose work schedules are based on the requirements of a 4373
seven-days-a-week work operation shall observe holidays on the 4374
actual days specified in section 124.19 of the Revised Code. 4375

If an employee's work schedule is other than Monday through 4376
Friday, the employee shall be entitled to holiday pay for holidays 4377
observed on the employee's day off regardless of the day of the 4378
week on which they are observed. A full-time permanent employee is 4379
entitled to eight hours of pay for each holiday regardless of the 4380
employee's work shift and work schedule. A flexible-hours employee 4381
is entitled to holiday pay for the number of hours for which the 4382

employee normally would have been scheduled to work. Part-time 4383
permanent employees shall be paid holiday pay for that portion of 4384
any holiday for which they would normally have been scheduled to 4385
work. When an employee who is eligible for overtime pay under this 4386
section is required by the employee's responsible administrative 4387
authority to work on the day observed as a holiday, the employee 4388
shall be entitled to pay for such time worked at one and one-half 4389
times the employee's regular rate of pay in addition to the 4390
employee's regular pay, or to be granted compensatory time off at 4391
time and one-half thereafter, at the employee's option. Payment at 4392
such rate shall be excluded in the calculation of hours in active 4393
pay status. 4394

(C) Each appointing authority may designate the number of 4395
employees in an agency who are flexible-hours employees. The 4396
appointing authority may establish for each flexible-hours 4397
employee a specified minimum number of hours to be worked each day 4398
that is consistent with the "Federal Fair Labor Standards Act of 4399
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 4400

(D) This section shall be uniformly administered for 4401
employees as defined in section 124.01 of the Revised Code and by 4402
the personnel departments of state-supported colleges and 4403
universities for employees of state-supported colleges and 4404
universities. If employees are not paid directly by warrant of the 4405
~~auditor of state~~ director of budget and management, the political 4406
subdivision shall determine whether the use of sick leave shall be 4407
considered to be active pay status for purposes of those employees 4408
earning overtime or compensatory time. 4409

(E) Policies relating to the payment of overtime pay or the 4410
granting of compensatory time off shall be adopted by the chief 4411
administrative officer of the house of representatives for 4412
employees of the house of representatives, by the clerk of the 4413
senate for employees of the senate, and by the director of the 4414

legislative service commission for all other legislative 4415
employees. 4416

(F) As used in this section, "regular rate of pay" means the 4417
base rate of pay an employee receives plus any pay supplements 4418
received pursuant to section 124.181 of the Revised Code. 4419

Sec. 124.181. (A) Except as provided in division (M) of this 4420
section, any employee paid in accordance with schedule B of 4421
section 124.15 or schedule E-1 or schedule E-1 for step seven only 4422
of section 124.152 of the Revised Code is eligible for the pay 4423
supplements provided in this section upon application by the 4424
appointing authority substantiating the employee's qualifications 4425
for the supplement and with the approval of the director of 4426
administrative services except as provided in division (E) of this 4427
section. 4428

(B)(1) Except as provided in section 124.183 of the Revised 4429
Code, in computing any of the pay supplements provided in this 4430
section for an employee paid in accordance with schedule B of 4431
section 124.15 of the Revised Code, the classification salary base 4432
shall be the minimum hourly rate of the pay range, provided in 4433
that section, in which the employee is assigned at the time of 4434
computation. 4435

(2) Except as provided in section 124.183 of the Revised 4436
Code, in computing any of the pay supplements provided in this 4437
section for an employee paid in accordance with schedule E-1 of 4438
section 124.152 of the Revised Code, the classification salary 4439
base shall be the minimum hourly rate of the pay range, provided 4440
in that section, in which the employee is assigned at the time of 4441
computation. 4442

(3) Except as provided in section 124.183 of the Revised 4443
Code, in computing any of the pay supplements provided in this 4444

section for an employee paid in accordance with schedule E-1 for 4445
step seven only of section 124.152 of the Revised Code, the 4446
classification salary base shall be the minimum hourly rate in the 4447
corresponding pay range, provided in schedule E-1 of that section, 4448
to which the employee is assigned at the time of the computation. 4449

(C) The effective date of any pay supplement, except as 4450
provided in section 124.183 of the Revised Code or unless 4451
otherwise provided in this section, shall be determined by the 4452
director. 4453

(D) The director shall, by rule, establish standards 4454
regarding the administration of this section. 4455

(E)(1) Except as otherwise provided in this division, 4456
beginning on the first day of the pay period within which the 4457
employee completes five years of total service with the state 4458
government or any of its political subdivisions, each employee in 4459
positions paid in accordance with schedule B of section 124.15 of 4460
the Revised Code or in accordance with schedule E-1 or schedule 4461
E-1 for step seven only of section 124.152 of the Revised Code 4462
shall receive an automatic salary adjustment equivalent to two and 4463
one-half per cent of the classification salary base, to the 4464
nearest whole cent. Each employee shall receive thereafter an 4465
annual adjustment equivalent to one-half of one per cent of the 4466
employee's classification salary base, to the nearest whole cent, 4467
for each additional year of qualified employment until a maximum 4468
of ten per cent of the employee's classification salary base is 4469
reached. The granting of longevity adjustments shall not be 4470
affected by promotion, demotion, or other changes in 4471
classification held by the employee, nor by any change in pay 4472
range for the employee's class or grade. Longevity pay adjustments 4473
shall become effective at the beginning of the pay period within 4474
which the employee completes the necessary length of service, 4475
except that when an employee requests credit for prior service, 4476

the effective date of the prior service credit and of any 4477
longevity adjustment shall be the first day of the pay period 4478
following approval of the credit by the director of administrative 4479
services. No employee, other than an employee who submits proof of 4480
prior service within ninety days after the date of the employee's 4481
hiring, shall receive any longevity adjustment for the period 4482
prior to the director's approval of a prior service credit. Time 4483
spent on authorized leave of absence shall be counted for this 4484
purpose. 4485

(2) An employee who has retired in accordance with the 4486
provisions of any retirement system offered by the state and who 4487
is employed by the state or any political subdivision of the state 4488
on or after June 24, 1987, shall not have prior service with the 4489
state or any political subdivision of the state counted for the 4490
purpose of determining the amount of the salary adjustment 4491
provided under this division. 4492

(3) There shall be a moratorium on employees' receipt under 4493
this division of credit for service with the state government or 4494
any of its political subdivisions during the period from July 1, 4495
2003, through June 30, 2005. In calculating the number of years of 4496
total service under this division, no credit shall be included for 4497
service during the moratorium. The moratorium shall apply to the 4498
employees of the secretary of state, the auditor of state, the 4499
treasurer of state, and the attorney general, who are subject to 4500
this section unless the secretary of state, the auditor of state, 4501
the treasurer of state, or the attorney general decides to exempt 4502
the office's employees from the moratorium and so notifies the 4503
director of administrative services in writing on or before July 4504
1, 2003. 4505

If an employee is exempt from the moratorium, receives credit 4506
for a period of service during the moratorium, and takes a 4507
position with another entity in the state government or any of its 4508

political subdivisions, either during or after the moratorium, and 4509
if that entity's employees are or were subject to the moratorium, 4510
the employee shall continue to retain the credit. However, if the 4511
moratorium is in effect upon the taking of the new position, the 4512
employee shall cease receiving additional credit as long as the 4513
employee is in the position, until the moratorium expires. 4514

(F) When an exceptional condition exists that creates a 4515
temporary or a permanent hazard for one or more positions in a 4516
class paid in accordance with schedule B of section 124.15 of the 4517
Revised Code or in accordance with schedule E-1 or schedule E-1 4518
for step seven only of section 124.152 of the Revised Code, a 4519
special hazard salary adjustment may be granted for the time the 4520
employee is subjected to the hazardous condition. All special 4521
hazard conditions shall be identified for each position and 4522
incidence from information submitted to the director on an 4523
appropriate form provided by the director and categorized into 4524
standard conditions of: some unusual hazard not common to the 4525
class; considerable unusual hazard not common to the class; and 4526
exceptional hazard not common to the class. 4527

(1) A hazardous salary adjustment of five per cent of the 4528
employee's classification salary base may be applied in the case 4529
of some unusual hazardous condition not common to the class for 4530
those hours worked, or a fraction of those hours worked, while the 4531
employee was subject to the unusual hazard condition. 4532

(2) A hazardous salary adjustment of seven and one-half per 4533
cent of the employee's classification salary base may be applied 4534
in the case of some considerable hazardous condition not common to 4535
the class for those hours worked, or a fraction of those hours 4536
worked, while the employee was subject to the considerable hazard 4537
condition. 4538

(3) A hazardous salary adjustment of ten per cent of the 4539

employee's classification salary base may be applied in the case 4540
of some exceptional hazardous condition not common to the class 4541
for those hours worked, or a fraction of those hours worked, when 4542
the employee was subject to the exceptional hazard condition. 4543

(4) Each claim for temporary hazard pay shall be submitted as 4544
a separate payment and shall be subject to an administrative audit 4545
by the director as to the extent and duration of the employee's 4546
exposure to the hazardous condition. 4547

(G) When a full-time employee whose salary or wage is paid 4548
directly by warrant of the ~~auditor of state~~ director of budget and 4549
management and who also is eligible for overtime under the "Fair 4550
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 4551
as amended, is ordered by the appointing authority to report back 4552
to work after termination of the employee's regular work schedule 4553
and the employee reports, the employee shall be paid for such 4554
time. The employee shall be entitled to four hours at the 4555
employee's total rate of pay or overtime compensation for the 4556
actual hours worked, whichever is greater. This division does not 4557
apply to work that is a continuation of or immediately preceding 4558
an employee's regular work schedule. 4559

(H) When a certain position or positions paid in accordance 4560
with schedule B of section 124.15 of the Revised Code or in 4561
accordance with schedule E-1 or schedule E-1 for step seven only 4562
of section 124.152 of the Revised Code require the ability to 4563
speak or write a language other than English, a special pay 4564
supplement may be granted to attract bilingual individuals, to 4565
encourage present employees to become proficient in other 4566
languages, or to retain qualified bilingual employees. The 4567
bilingual pay supplement provided in this division may be granted 4568
in the amount of five per cent of the employee's classification 4569
salary base for each required foreign language and shall remain in 4570
effect as long as the bilingual requirement exists. 4571

(I) The director of administrative services may establish a 4572
shift differential for employees. The differential shall be paid 4573
to employees in positions working in other than the regular or 4574
first shift. In those divisions or agencies where only one shift 4575
prevails, no shift differential shall be paid regardless of the 4576
hours of the day that are worked. The director and the appointing 4577
authority shall designate which positions shall be covered by this 4578
division. 4579

(J) Whenever an employee is assigned to work in a higher 4580
level position for a continuous period of more than two weeks but 4581
no more than two years because of a vacancy, the employee's pay 4582
may be established at a rate that is approximately four per cent 4583
above the employee's current base rate for the period the employee 4584
occupies the position, provided that this temporary occupancy is 4585
approved by the director. Employees paid under this division shall 4586
continue to receive any of the pay supplements due them under 4587
other divisions of this section based on the step one base rate 4588
for their normal classification. 4589

(K) If a certain position, or positions, within a class paid 4590
in accordance with schedule B of section 124.15 of the Revised 4591
Code or in accordance with schedule E-1 or schedule E-1 for step 4592
seven only of section 124.152 of the Revised Code are mandated by 4593
state or federal law or regulation or other regulatory agency or 4594
other certification authority to have special technical 4595
certification, registration, or licensing to perform the functions 4596
which are under the mandate, a special professional achievement 4597
pay supplement may be granted. This special professional 4598
achievement pay supplement shall not be granted when all 4599
incumbents in all positions in a class require a license as 4600
provided in the classification description published by the 4601
department of administrative services; to licensees where no 4602
special or extensive training is required; when certification is 4603

granted upon completion of a stipulated term of in-service 4604
training; when an appointing authority has required certification; 4605
or any other condition prescribed by the director. 4606

(1) Before this supplement may be applied, evidence as to the 4607
requirement must be provided by the agency for each position 4608
involved, and certification must be received from the director as 4609
to the director's concurrence for each of the positions so 4610
affected. 4611

(2) The professional achievement pay supplement provided in 4612
this division shall be granted in an amount up to ten per cent of 4613
the employee's classification salary base and shall remain in 4614
effect as long as the mandate exists. 4615

(L) Those employees assigned to teaching supervisory, 4616
principal, assistant principal, or superintendent positions who 4617
have attained a higher educational level than a basic bachelor's 4618
degree may receive an educational pay supplement to remain in 4619
effect as long as the employee's assignment and classification 4620
remain the same. 4621

(1) An educational pay supplement of two and one-half per 4622
cent of the employee's classification salary base may be applied 4623
upon the achievement of a bachelor's degree plus twenty quarter 4624
hours of postgraduate work. 4625

(2) An educational pay supplement of an additional five per 4626
cent of the employee's classification salary base may be applied 4627
upon achievement of a master's degree. 4628

(3) An educational pay supplement of an additional two and 4629
one-half per cent of the employee's classification salary base may 4630
be applied upon achievement of a master's degree plus thirty 4631
quarter hours of postgraduate work. 4632

(4) An educational pay supplement of five per cent of the 4633

employee's classification salary base may be applied when the 4634
employee is performing as a master teacher. 4635

(5) An educational pay supplement of five per cent of the 4636
employee's classification salary base may be applied when the 4637
employee is performing as a special education teacher. 4638

(6) Those employees in teaching supervisory, principal, 4639
assistant principal, or superintendent positions who are 4640
responsible for specific extracurricular activity programs shall 4641
receive overtime pay for those hours worked in excess of their 4642
normal schedule, at their straight time hourly rate up to a 4643
maximum of five per cent of their regular base salary in any 4644
calendar year. 4645

(M)(1) A state agency, board, or commission may establish a 4646
supplementary compensation schedule for those licensed physicians 4647
employed by the agency, board, or commission in positions 4648
requiring a licensed physician. The supplementary compensation 4649
schedule, together with the compensation otherwise authorized by 4650
this chapter, shall provide for the total compensation for these 4651
employees to range appropriately, but not necessarily uniformly, 4652
for each classification title requiring a licensed physician, in 4653
accordance with a schedule approved by the state controlling 4654
board. The individual salary levels recommended for each such 4655
physician employed shall be approved by the director. 4656
Notwithstanding section 124.11 of the Revised Code, such personnel 4657
are in the unclassified civil service. 4658

(2) The director of administrative services may approve 4659
supplementary compensation for the director of health, if the 4660
director is a licensed physician, in accordance with a 4661
supplementary compensation schedule approved under division (M)(1) 4662
of this section or in accordance with another supplementary 4663
compensation schedule the director of administrative services 4664

considers appropriate. The supplementary compensation shall not
exceed twenty per cent of the director of health's base rate of
pay.

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

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

Sec. 124.182. (A) There is hereby created in the state
treasury the professional development fund. The director of
administrative services shall use moneys credited to the fund to
pay for programs that provide professional development
opportunities for employees who are exempt from collective
bargaining coverage and paid by warrant of the ~~auditor of state~~
director of budget and management. The director of administrative
services shall identify by rule adopted under Chapter 119. of the
Revised Code programs for which payments from the fund shall be
made. The fund also shall be used to pay any direct and indirect
costs that are attributable to consultants or a third-party
administrator and that are necessary to administer this section.
All investment earnings of the fund shall be credited to it.

(B) The director of administrative services, in consultation

with the director of budget and management, shall determine a rate
at which the payrolls of all participating state agencies with
employees paid by warrant of the ~~auditor of state~~ director of
budget and management shall be charged each pay period that is
sufficient to cover the costs of administering the programs paid
for with the moneys credited to the professional development fund.
The rate shall be based on the total number of those employees and
may be adjusted as the director of administrative services, in
consultation with the director of budget and management, considers
necessary. All moneys collected from the charge shall be credited
to the professional development fund.

(C) If the director of administrative services determines
that additional appropriation amounts are necessary, the director
may request that the director of budget and management increase
the appropriation amounts. The additional appropriation amounts
are hereby appropriated.

Sec. 124.321. (A) Whenever it becomes necessary for an
appointing authority to reduce its work force, the appointing
authority shall lay off employees or abolish their positions in
accordance with sections 124.321 to 124.327 of the Revised Code
and the rules of the director of administrative services.

(B)(1) Employees may be laid off as a result of a lack of
funds within an appointing authority. For appointing authorities
that employ persons whose salary or wage is paid by warrant of the
~~auditor of state~~ director of budget and management, the director
of budget and management shall be responsible for determining
whether a lack of funds exists. For appointing authorities that
employ persons whose salary or wage is paid other than by warrant
of the ~~auditor of state~~ director of budget and management, the
appointing authority itself shall determine whether a lack of
funds exists and shall file a statement of rationale and

supporting documentation with the director of administrative 4727
services prior to sending the layoff notice. 4728

(2) As used in this division, a "lack of funds" means an 4729
appointing authority has a current or projected deficiency of 4730
funding to maintain current, or to sustain projected, levels of 4731
staffing and operations. This section does not require any 4732
transfer of money between funds in order to offset a deficiency or 4733
projected deficiency of federal funding for a program. 4734

(3) The director of budget and management shall adopt rules, 4735
under Chapter 119. of the Revised Code, for agencies whose 4736
employees are paid by warrant of the ~~auditor of state~~ director of 4737
budget and management, for determining whether a lack of funds 4738
exists. 4739

(C)(1) Employees may be laid off as a result of lack of work 4740
within an appointing authority. For appointing authorities whose 4741
employees are paid by warrant of the ~~auditor of state~~ director of 4742
budget and management, the director of administrative services 4743
shall determine whether a lack of work exists. All other 4744
appointing authorities shall themselves determine whether a lack 4745
of work exists and shall file a statement of rationale and 4746
supporting documentation with the director of administrative 4747
services prior to sending the layoff notice. 4748

(2) As used in this division, a "lack of work" means an 4749
appointing authority has a current or projected temporary decrease 4750
in the workload, expected to last less than one year, that 4751
requires a reduction of current or projected staffing levels. The 4752
determination of a lack of work shall indicate the current or 4753
projected temporary decrease in the workload of an appointing 4754
authority and whether the current or projected staffing levels of 4755
the appointing authority will be excessive. 4756

(D)(1) Employees may be laid off as a result of abolishment 4757

of positions. As used in this division, "abolishment" means the 4758
deletion of a position or positions from the organization or 4759
structure of an appointing authority. 4760

For purposes of this division, an appointing authority may 4761
abolish positions for any one or any combination of the following 4762
reasons: as a result of a reorganization for the efficient 4763
operation of the appointing authority, for reasons of economy, or 4764
for lack of work. 4765

(2)(a) Reasons of economy permitting an appointing authority 4766
to abolish a position and to lay off the holder of that position 4767
under this division shall be determined at the time the appointing 4768
authority proposes to abolish the position. The reasons of economy 4769
shall be based on the appointing authority's estimated amount of 4770
savings with respect to salary, benefits, and other matters 4771
associated with the abolishment of the position, except that the 4772
reasons of economy associated with the position's abolishment 4773
instead may be based on the appointing authority's estimated 4774
amount of savings with respect to salary and benefits only, if: 4775

(i) Either the appointing authority's operating appropriation 4776
has been reduced by an executive or legislative action, or the 4777
appointing authority has a current or projected deficiency in 4778
funding to maintain current or projected levels of staffing and 4779
operations; and 4780

(ii) It files a notice of the position's abolishment with the 4781
director of administrative services within one year of the 4782
occurrence of the applicable circumstance described in division 4783
(D)(2)(a)(i) of this section. 4784

(b) The following principles apply when a circumstance 4785
described in division (D)(2)(a)(i) of this section would serve to 4786
authorize an appointing authority to abolish a position and to lay 4787
off the holder of the position under this division based on the 4788

appointing authority's estimated amount of savings with respect to 4789
salary and benefits only: 4790

(i) The position's abolishment shall be done in good faith 4791
and not as a subterfuge for discipline. 4792

(ii) If a circumstance affects a specific program only, the 4793
appointing authority only may abolish a position within that 4794
program. 4795

(iii) If a circumstance does not affect a specific program 4796
only, the appointing authority may identify a position that it 4797
considers appropriate for abolishment based on the reasons of 4798
economy. 4799

(3) Each appointing authority shall determine itself whether 4800
any position should be abolished and shall file a statement of 4801
rationale and supporting documentation with the director of 4802
administrative services prior to sending the notice of 4803
abolishment. 4804

If an abolishment results in a reduction of the work force, 4805
the appointing authority shall follow the procedures for laying 4806
off employees, subject to the following modifications: 4807

(a) The employee whose position has been abolished shall have 4808
the right to fill an available vacancy within the employee's 4809
classification. 4810

(b) If the employee whose position has been abolished has 4811
more retention points than any other employee serving in the same 4812
classification, the employee with the fewest retention points 4813
shall be displaced. 4814

(c) If the employee whose position has been abolished has the 4815
fewest retention points in the classification, the employee shall 4816
have the right to fill an available vacancy in a lower 4817
classification in the classification series. 4818

(d) If the employee whose position has been abolished has the 4819
fewest retention points in the classification, the employee shall 4820
displace the employee with the fewest retention points in the next 4821
or successively lower classification in the classification series. 4822

(E) The director of administrative services shall adopt rules 4823
under Chapter 119. of the Revised Code for the determination of 4824
lack of work within an appointing authority, for the abolishment 4825
of positions by an appointing authority, and for the 4826
implementation of this section. 4827

Sec. 124.327. (A) Employees who have been laid off or have, 4828
by virtue of exercising their ~~displacements~~ displacement rights, 4829
been displaced to a lower classification in their classification 4830
series, shall be placed on appropriate layoff lists. Those 4831
employees with the most retention points within each category of 4832
order of layoff, as established in section 124.323 of the Revised 4833
Code, shall be placed at the top of the layoff list to be followed 4834
by employees ranked in descending total retention order. Laid-off 4835
employees shall be placed on layoff lists for each classification 4836
in the classification series equal to or lower than the 4837
classification in which the employee was employed at the time of 4838
layoff. 4839

(B) An employee who is laid off retains reinstatement rights 4840
in the agency from which the employee was laid off. Reinstatement 4841
rights continue for one year from the date of layoff. During this 4842
one-year period, in any layoff jurisdiction in which an appointing 4843
authority has an employee on a layoff list, the appointing 4844
authority shall not hire or promote anyone into a position within 4845
that classification until all laid-off persons on a layoff list 4846
for that classification who are qualified to perform the duties of 4847
the position are reinstated or decline the position when it is 4848
offered. 4849

(C) Each laid-off or displaced employee, in addition to 4850
reinstatement rights within the employee's appointing authority, 4851
shall have the right to reemployment with other agencies within 4852
the layoff jurisdiction, if the employee is qualified to perform 4853
the duties of the position, but only in the same classification 4854
from which the employee was initially laid off or displaced. 4855
Layoff lists for each appointing authority must be exhausted 4856
before jurisdictional reemployment layoff lists are used. 4857

(D) Any employee accepting or declining reinstatement to the 4858
same classification and same appointment type from which the 4859
employee was laid off or displaced shall be removed from the 4860
appointing authority's layoff list. 4861

(E) Any employee accepting or declining reemployment to the 4862
same classification and the same appointment type from which the 4863
employee was laid off or displaced shall be removed from the 4864
jurisdictional layoff list. 4865

(F) An employee who does not exercise the option to displace 4866
under section 124.324 of the Revised Code shall only be entitled 4867
to reinstatement or reemployment in the classification from which 4868
the employee was displaced or laid off. 4869

(G) An employee who declines reinstatement to a 4870
classification lower in the classification series than the 4871
classification from which the employee was laid off or displaced, 4872
shall thereafter only be entitled to reinstatement to a 4873
classification higher, up to and including the classification from 4874
which the employee was laid off or displaced, in the 4875
classification series than the classification that was declined. 4876

(H) Any employee reinstated or reemployed under this section 4877
shall not serve a probationary period upon reinstatement or 4878
reemployment except that an employee laid off during an original 4879
or promotional probationary period shall begin a new probationary 4880

period. 4881

(I) For the purposes of this section, employees whose salary 4882
or wage is not paid directly by warrant of the ~~auditor of state~~ 4883
director of budget and management shall be placed on layoff lists 4884
of their appointing authority only. 4885

Sec. 124.382. (A) As used in this section and sections 4886
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 4887

(1) "Base pay period" means the pay period that includes the 4888
first day of December. 4889

(2) "Pay period" means the fourteen-day period of time during 4890
which the payroll is accumulated, as determined by the director of 4891
administrative services. 4892

(3) "Active pay status" means the conditions under which an 4893
employee is eligible to receive pay, and includes, but is not 4894
limited to, vacation leave, sick leave, personal leave, 4895
bereavement leave, and administrative leave. 4896

(4) "No pay status" means the conditions under which an 4897
employee is ineligible to receive pay and includes, but is not 4898
limited to, leave without pay, leave of absence, and disability 4899
leave. 4900

(5) "Disability leave" means the leave granted pursuant to 4901
section 124.385 of the Revised Code. 4902

(6) "Full-time permanent employee" means an employee whose 4903
regular hours of duty total eighty hours in a pay period in a 4904
state agency and whose appointment is not for a limited period of 4905
time. 4906

(7) "Base rate of pay" means the rate of pay established 4907
under schedule B or C of section 124.15 of the Revised Code or 4908
under schedule E-1, schedule E-1 for step seven only, or schedule 4909

E-2 of section 124.152 of the Revised Code, plus any supplement
provided under section 124.181 of the Revised Code, plus any
supplements enacted into law which are added to schedule B or C of
section 124.15 of the Revised Code or to schedule E-1, schedule
E-1 for step seven only, or schedule E-2 of section 124.152 of the
Revised Code.

(8) "Part-time permanent employee" means an employee whose
regular hours of duty total less than eighty hours in a pay period
in a state agency and whose appointment is not for a limited
period of time.

(B) Each full-time permanent and part-time permanent employee
whose salary or wage is paid directly by warrant of the ~~auditor of
state~~ director of budget and management shall be credited with
sick leave of three and one-tenth hours for each completed eighty
hours of service, excluding overtime hours worked.

(C) Any sick leave credit provided pursuant to division (B)
of this section, remaining as of the last day of the pay period
preceding the next succeeding base pay period, shall be converted
pursuant to section 124.383 of the Revised Code.

(D) Employees may use sick leave, provided a credit balance
is available, upon approval of the responsible administrative
officer of the employing unit, for absence due to personal
illness, pregnancy, injury, exposure to contagious disease that
could be communicated to other employees, and illness, injury, or
death in the employee's immediate family. When sick leave is used,
it shall be deducted from the employee's credit on the basis of
absence from previously scheduled work in such increments of an
hour and at such a compensation rate as the director of
administrative services determines. The appointing authority of
each employing unit may require an employee to furnish a
satisfactory, signed statement to justify the use of sick leave.

If, after having utilized the credit provided by this 4941
section, an employee utilizes sick leave that was accumulated 4942
prior to November 15, 1981, compensation for such sick leave used 4943
shall be at a rate as the director determines. 4944

(E)(1) The previously accumulated sick leave balance of an 4945
employee who has been separated from the public service, for which 4946
separation payments pursuant to section 124.384 of the Revised 4947
Code have not been made, shall be placed to the employee's credit 4948
upon the employee's reemployment in the public service, if the 4949
reemployment takes place within ten years of the date on which the 4950
employee was last terminated from public service. 4951

(2) The previously accumulated sick leave balance of an 4952
employee who has separated from a school district shall be placed 4953
to the employee's credit upon the employee's appointment as an 4954
unclassified employee of the state department of education, if all 4955
of the following apply: 4956

(a) The employee accumulated the sick leave balance while 4957
employed by the school district. 4958

(b) The employee did not receive any separation payments for 4959
the sick leave balance. 4960

(c) The employee's employment with the department takes place 4961
within ten years after the date on which the employee separated 4962
from the school district. 4963

(F) An employee who transfers from one public agency to 4964
another shall be credited with the unused balance of the 4965
employee's accumulated sick leave. 4966

(G) The director of administrative services shall establish 4967
procedures to uniformly administer this section. No sick leave may 4968
be granted to a state employee upon or after the employee's 4969
retirement or termination of employment. 4970

Sec. 124.384. (A) Except as otherwise provided in this 4971
section, employees whose salaries or wages are paid by warrant of 4972
the ~~auditor of state~~ director of budget and management and who 4973
have accumulated sick leave under section 124.38 or 124.382 of the 4974
Revised Code shall be paid for a percentage of their accumulated 4975
balances, upon separation for any reason, including death but 4976
excluding retirement, at their last base rate of pay at the rate 4977
of one hour of pay for every two hours of accumulated balances. An 4978
employee who retires in accordance with any retirement plan 4979
offered by the state shall be paid upon retirement for each hour 4980
of the employee's accumulated sick leave balance at a rate of 4981
fifty-five per cent of the employee's last base rate of pay. 4982

An employee serving in a temporary work level or an interim 4983
appointment who elects to convert unused sick leave to cash shall 4984
do so at the base rate of pay of the employee's normal 4985
classification. If an employee dies, the employee's unused sick 4986
leave shall be paid in accordance with section 2113.04 of the 4987
Revised Code or to the employee's estate. 4988

In order to be eligible for the payment authorized by this 4989
section, an employee shall have at least one year of state service 4990
and shall request all or a portion of such payment no later than 4991
three years after separation from state service. No person is 4992
eligible to receive all or a portion of the payment authorized by 4993
this section at any time later than three years after the person's 4994
separation from state service. 4995

(B) Except as otherwise provided in this division, a person 4996
initially employed on or after July 5, 1987, by a state agency in 4997
which the employees' salaries or wages are paid directly by 4998
warrant of the ~~auditor of state~~ director of budget and management 4999
shall receive payment under this section only for sick leave 5000
accumulated while employed by state agencies in which the 5001

employees' salaries or wages are paid directly by warrant of the 5002
~~auditor of state~~ director of budget and management. A person 5003
initially employed on or after July 5, 1987, by the state 5004
department of education as an unclassified employee shall receive 5005
payment under this section only for sick leave accumulated while 5006
employed by state agencies in which the employees' salaries or 5007
wages are paid directly by warrant of the ~~auditor of state~~ 5008
director of budget and management and for sick leave placed to the 5009
employee's credit under division (E)(2) of section 124.382 of the 5010
Revised Code. 5011

(C) For employees paid in accordance with section 124.152 of 5012
the Revised Code and those employees listed in divisions (B)(2) 5013
and (4) of section 124.14 of the Revised Code, the director of 5014
administrative services, with the approval of the director of ~~the~~ 5015
~~office of~~ budget and management, may establish a plan for early 5016
payment of accrued sick leave and vacation leave. 5017

Sec. 124.387. Each full-time permanent and part-time 5018
permanent employee whose salary or wage is paid directly by 5019
warrant of the ~~auditor of state~~ director of budget and management 5020
shall be granted three days of bereavement leave with pay upon the 5021
death of a member of the employee's immediate family. Compensation 5022
for bereavement leave shall be equal to the employee's base rate 5023
of pay. 5024

Sec. 124.389. The director of administrative services may 5025
establish an employee exchange program for employees whose salary 5026
or wage is paid directly by warrant of the ~~auditor of state~~ 5027
director of budget and management. The director of administrative 5028
services shall adopt rules in accordance with Chapter 119. of the 5029
Revised Code to provide for the administration of the program. 5030

Sec. 124.391. (A) As used in this section, "paid leave" means 5031

sick leave, personal leave, or vacation leave. 5032

(B) The director of administrative services may establish a 5033
program under which an employee paid directly by warrant of the 5034
~~auditor of state~~ director of budget and management may donate that 5035
employee's accrued but unused paid leave to another employee paid 5036
directly by warrant of the ~~auditor of state~~ director of budget and 5037
management who has no accrued but unused paid leave and who has a 5038
critical need for it because of circumstances such as a serious 5039
illness or the serious illness of a member of the employee's 5040
immediate family. 5041

If the director of administrative services establishes a 5042
leave donation program under this division, the director shall 5043
adopt rules in accordance with Chapter 119. of the Revised Code to 5044
provide for the administration of the program. These rules shall 5045
include, but not be limited to, provisions that identify the 5046
circumstances under which leave may be donated and that specify 5047
the amount, types, and value of leave that may be donated. 5048

(C) At the discretion of the appropriate legislative 5049
authority, a county may implement a leave donation program, as 5050
provided in this section, for all county agencies or for one or 5051
more designated agencies within the county. 5052

Sec. 124.82. (A) Except as provided in division (D) of this 5053
section, the department of administrative services, in 5054
consultation with the superintendent of insurance, shall, in 5055
accordance with competitive selection procedures of Chapter 125. 5056
of the Revised Code, contract with an insurance company or a 5057
health plan in combination with an insurance company, authorized 5058
to do business in this state, for the issuance of a policy or 5059
contract of health, medical, hospital, dental, or surgical 5060
benefits, or any combination of those benefits, covering state 5061
employees who are paid directly by warrant of the ~~auditor of state~~ 5062

director of budget and management, including elected state 5063
officials. The department may fulfill its obligation under this 5064
division by exercising its authority under division (A)(2) of 5065
section 124.81 of the Revised Code. 5066

(B) The department may, in addition, in consultation with the 5067
superintendent of insurance, negotiate and contract with health 5068
insuring corporations holding a certificate of authority under 5069
Chapter 1751. of the Revised Code, in their approved service areas 5070
only, for issuance of a contract or contracts of health care 5071
services, covering state employees who are paid directly by 5072
warrant of the ~~auditor of state~~ director of budget and management, 5073
including elected state officials. Except for health insuring 5074
corporations, no more than one insurance carrier or health plan 5075
shall be contracted with to provide the same plan of benefits, 5076
provided that: 5077

(1) The amount of the premium or cost for such coverage 5078
contributed by the state, for an individual or for an individual 5079
and the individual's family, does not exceed that same amount of 5080
the premium or cost contributed by the state under division (A) of 5081
this section; 5082

(2) The employee be permitted to exercise the option as to 5083
which plan the employee will select under division (A) or (B) of 5084
this section, at a time that shall be determined by the 5085
department; 5086

(3) The health insuring corporations do not refuse to accept 5087
the employee, or the employee and the employee's family, if the 5088
employee exercises the option to select care provided by the 5089
corporations; 5090

(4) The employee may choose participation in only one of the 5091
plans sponsored by the department; 5092

(5) The director of health examines and certifies to the 5093

department that the quality and adequacy of care rendered by the 5094
health insuring corporations meet at least the standards of care 5095
provided by hospitals and physicians in that employee's community, 5096
who would be providing such care as would be covered by a contract 5097
awarded under division (A) of this section. 5098

(C) All or any portion of the cost, premium, or charge for 5099
the coverage in divisions (A) and (B) of this section may be paid 5100
in such manner or combination of manners as the department 5101
determines and may include the proration of health care costs, 5102
premiums, or charges for part-time employees. 5103

(D) Notwithstanding division (A) of this section, the 5104
department may provide benefits equivalent to those that may be 5105
paid under a policy or contract issued by an insurance company or 5106
a health plan pursuant to division (A) of this section. 5107

(E) This section does not prohibit the state office of 5108
collective bargaining from entering into an agreement with an 5109
employee representative for the purposes of providing fringe 5110
benefits, including, but not limited to, hospitalization, surgical 5111
care, major medical care, disability, dental care, vision care, 5112
medical care, hearing aids, prescription drugs, group life 5113
insurance, sickness and accident insurance, group legal services 5114
or other benefits, or any combination of those benefits, to 5115
employees paid directly by warrant of the ~~auditor of state~~ 5116
director of budget and management through a jointly administered 5117
trust fund. The employer's contribution for the cost of the 5118
benefit care shall be mutually agreed to in the collectively 5119
bargained agreement. The amount, type, and structure of fringe 5120
benefits provided under this division is subject to the 5121
determination of the board of trustees of the jointly administered 5122
trust fund. Notwithstanding any other provision of the Revised 5123
Code, competitive bidding does not apply to the purchase of fringe 5124
benefits for employees under this division when those benefits are 5125

provided through a jointly administered trust fund. 5126

(F) Members of state boards or commissions may be covered by 5127
any policy, contract, or plan of benefits or services described in 5128
division (A) or (B) of this section. Board or commission members 5129
who are appointed for a fixed term and who are compensated on a 5130
per meeting basis, or paid only for expenses, or receive a 5131
combination of per diem payments and expenses shall pay the entire 5132
amount of the premiums, costs, or charges for that coverage. 5133

Sec. 124.821. Each state agency shall pay the monthly 5134
enrollee premium for medical insurance coverage under Part B of 5135
"The Social Security Amendments of 1965," 79 Stat. 301, 42 U.S.C. 5136
1395j, as amended, for state employees and elected state officials 5137
who are employed by or serve in the agency, are paid directly by 5138
warrant of the ~~auditor of state~~ director of budget and management, 5139
are sixty-five years of age or older, and are participating in the 5140
program of health insurance for the aged under Title XVIII of the 5141
"Social Security Act," 79 Stat. 286, 42 U.S.C. 1395, as amended. 5142
The cost of the premiums shall not be deducted from any employee's 5143
or official's wage or salary. 5144

The director of administrative services shall uniformly 5145
administer this section and shall, by rule, establish procedures 5146
for carrying out such administration. 5147

Sec. 124.822. (A) The department of administrative services 5148
shall require, as a condition of entering into a contract with a 5149
health insuring corporation that desires to provide health care 5150
services to state employees, including elected public officials, 5151
who are paid directly by warrant of the ~~auditor of state~~ director 5152
of budget and management and who reside within its approved 5153
service area, that the health insuring corporation enroll at least 5154
five hundred of such eligible state employees, or at least five 5155

per cent of such eligible state employees, whichever is less. 5156

(B) Division (A) of this section applies only to contracts 5157

that are entered into or renewed on or after July 16, 1991. 5158

Sec. 124.823. The department of administrative services shall 5159

establish a pilot program under which it includes medical savings 5160

accounts as part of any package of health care benefit options 5161

offered to state employees and state elected officials paid by 5162

warrant of the ~~auditor of state~~ director of budget and management. 5163

Except for the provisions in divisions (A) and (B) of section 5164

3924.64 of the Revised Code concerning designation of an 5165

administrator, a medical savings account established as part of 5166

the program is subject to sections 3924.64 to 3924.74 of the 5167

Revised Code. 5168

The department is not required to offer the medical savings 5169

account option to any state employee who is covered under a 5170

collective bargaining agreement entered into pursuant to Chapter 5171

4117. of the Revised Code, but a medical savings account option 5172

may be part of a package of health care benefit options offered 5173

pursuant to a collective bargaining agreement. The department may 5174

limit enrollment in the medical savings account program and may 5175

require state employees enrolled in it to contribute to their 5176

medical savings accounts. The department shall make both 5177

individual and family coverage available through the accounts. The 5178

program shall not increase the cost of providing health insurance 5179

to state employees. The department may end the program at any time 5180

not sooner than two years after it is established, except that the 5181

department may not end the program prior to providing six months' 5182

notice to the speaker of the house of representatives, president 5183

of the senate, minority leader of the house and minority leader of 5184

the senate, and the chairs of the standing committees of the 5185

senate and house of representatives with primary responsibility 5186

for health and insurance legislation. 5187

A state employee who chooses the medical savings account 5188
option shall have any state health, medical, hospital, dental, 5189
surgical, and vision benefits for which the employee is eligible 5190
provided through the medical savings account. The department, 5191
under section 124.81 or 124.82 of the Revised Code, shall contract 5192
for or otherwise provide a high-deductible policy or contract 5193
through which those benefits can be paid. 5194

The employee for whom a medical savings account is opened 5195
shall at the time the account is opened choose an administrator 5196
from a list of administrators designated by the department, one of 5197
which may be the insurer from which the department purchases the 5198
high-deductible policy or contract. If the employee fails to 5199
choose an administrator, the department shall designate an 5200
administrator. 5201

If an elected state official whose term commenced prior to 5202
the establishment of the program elects to participate in the 5203
medical savings account program, participation shall commence at 5204
the beginning of the term following establishment of the program. 5205

Sec. 124.84. (A) The department of administrative services, 5206
in consultation with the superintendent of insurance and subject 5207
to division (D) of this section, shall negotiate and contract with 5208
one or more insurance companies or health insuring corporations 5209
authorized to operate or do business in this state for the 5210
purchase of a policy of long-term care insurance covering all 5211
state employees who are paid directly by warrant of the ~~auditor of~~ 5212
state director of budget and management, including elected state 5213
officials. Any policy purchased under this division shall be 5214
negotiated and entered into in accordance with the competitive 5215
selection procedures specified in Chapter 125. of the Revised 5216
Code. As used in this section, "long-term care insurance" has the 5217

same meaning as in section 3923.41 of the Revised Code. 5218

(B) Any elected state official or state employee paid 5219
directly by warrant of the ~~auditor of state~~ director of budget and 5220
management may elect to participate in any long-term care 5221
insurance policy purchased under division (A) of this section. All 5222
or any portion of the premium charged may be paid by the state. 5223
Participation in the policy may include the dependents and family 5224
members of the elected state official or state employee. 5225

If a participant in a long-term care insurance policy leaves 5226
employment, the participant and the participant's dependents and 5227
family members may, at their election, continue to participate in 5228
a policy established under this section. The manner of payment and 5229
the portion of premium charged the participant, dependent, and 5230
family member shall be established pursuant to division (E) of 5231
this section. 5232

(C) Any long-term care insurance policy purchased under this 5233
section or section 124.841 or 145.581 of the Revised Code shall 5234
provide for all of the following with respect to the premiums 5235
charged for the policy: 5236

(1) They shall be set at the entry age of the official or 5237
employee when first covered by the policy and shall not increase 5238
except as a class during coverage under the policy. 5239

(2) They shall be based on the class of all officials or 5240
employees covered by the policy. 5241

(3) They shall continue, pursuant to section 145.581 of the 5242
Revised Code, after the retirement of the official or employee who 5243
is covered under the policy, at the rate in effect on the date of 5244
the official's or employee's retirement. 5245

(D) Prior to entering into a contract with an insurance 5246
company or health insuring corporation for the purchase of a 5247
long-term care insurance policy under this section, the department 5248

shall request the superintendent of insurance to certify the 5249
financial condition of the company or corporation. The department 5250
shall not enter into the contract if, according to that 5251
certification, the company or corporation is insolvent, is 5252
determined by the superintendent to be potentially unable to 5253
fulfill its contractual obligations, or is placed under an order 5254
of rehabilitation or conservation by a court of competent 5255
jurisdiction or under an order of supervision by the 5256
superintendent. 5257

(E) The department shall adopt rules in accordance with 5258
section 111.15 of the Revised Code governing long-term care 5259
insurance purchased under this section. All or any portion of the 5260
premium charged the participants, dependents, and family members 5261
shall be paid in such manner or combination of manners as the 5262
department determines. 5263

Sec. 125.21. The director of administrative services shall 5264
process payroll information for the purpose of payment for 5265
personal services of state officials and employees on the basis of 5266
rates of pay determined by pertinent law, the director, or other 5267
competent authority. 5268

Calculation of payrolls may be made after the conclusion of 5269
each pay period based upon the amount of time served as certified 5270
by the appropriate appointing authority. Payment for personal 5271
service rendered by an official or employee during any pay period 5272
shall be made no later than at the conclusion of the official's or 5273
employee's next succeeding pay period. 5274

The director of administrative services shall furnish to the 5275
~~auditor of state~~ director of budget and management all necessary 5276
data for drawing state official and employee pay warrants and 5277
preparing earning statements. These data shall include the rate at 5278
which paid; the time for which paid, including overtime and any 5279

other adjustments affecting the official's or employee's gross 5280
pay; all taxes withheld, including, whenever practicable, 5281
year-to-date figures on all taxes withheld; the amount of 5282
contribution to the appropriate retirement system; any voluntary 5283
deductions made in accordance with authorizations filed by the 5284
official or employee; and whether a direct deposit is to be made 5285
in accordance with an authorization filed by the official or 5286
employee. 5287

Amounts deducted from the salaries or wages of all officials 5288
and employees shall be transferred to the payroll withholding 5289
fund, which is hereby created in the state treasury for the 5290
purpose of consolidating all such deductions made in any month. 5291
Payments from this fund shall be made at intervals for the 5292
intended purpose of the deduction or for refund where it is 5293
determined that deductions were made in error. 5294

Sec. 126.07. No contract, agreement, or obligation involving 5295
the expenditure of money chargeable to an appropriation, nor any 5296
resolution or order for the expenditure of money chargeable to an 5297
appropriation, shall be valid and enforceable unless the director 5298
of budget and management first certifies that there is a balance 5299
in the appropriation not already obligated to pay existing 5300
obligations, in an amount at least equal to the portion of the 5301
contract, agreement, obligation, resolution, or order to be 5302
performed in the current fiscal year. Any written contract or 5303
agreement entered into by the state shall contain a clause stating 5304
that the obligations of the state are subject to this section. 5305

In order to make a payment from the state treasury, a state 5306
agency shall first submit to the director all invoices, claims, 5307
vouchers, and other evidentiary matter related to the payment. If 5308
the director approves payment to be made, the director shall 5309
~~submit the approval to the auditor of state for the drawing of~~ 5310

draw a warrant as provided in section ~~117.45~~ 126.35 of the Revised Code. The director shall not approve payment to be made if the director finds that there is not an unobligated balance in the appropriation for the payment, that the payment is not for a valid claim against the state that is legally due, or that insufficient evidentiary matter has been submitted. If the director does not approve payment, the director shall notify the agency of the reasons the director has not given approval.

In approving payments to be made under this section, the director, upon receipt of certification from the director of job and family services pursuant to section 4141.231 of the Revised Code, shall withhold from amounts otherwise payable to a person who is the subject of the director of jobs and family services' certification, the amount certified to be due and unpaid to the director of job and family services, and shall approve for payment to the director of job and family services, the amount withheld.

Sec. 126.21. (A) The director of budget and management shall do all of the following:

(1) Keep all necessary accounting records;

(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;

(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;

(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate with the total

appropriation. In the case of a conflict between the item and the 5341
total of which it is a part, the item shall be considered the 5342
intended appropriation. 5343

(5) Evaluate on an ongoing basis and, if necessary, recommend 5344
improvements to the internal controls used in state agencies; 5345

(6) Authorize the establishment of petty cash accounts. The 5346
director of budget and management may withdraw approval for any 5347
petty cash account and require the officer in charge to return to 5348
the state treasury any unexpended balance shown by the officer's 5349
accounts to be on hand. Any officer who is issued a warrant for 5350
petty cash shall render a detailed account of the expenditures of 5351
the petty cash and shall report when requested the balance of 5352
petty cash on hand at any time. 5353

(7) Process orders, invoices, vouchers, claims, and payrolls 5354
and prepare financial reports and statements; 5355

(8) Perform extensions, reviews, and compliance checks prior 5356
to approving a payment as the director considers necessary; 5357

(9) Issue the official comprehensive annual financial report 5358
of the state. The report shall cover all funds of the state 5359
reporting entity and shall include basic financial statements and 5360
required supplementary information prepared in accordance with 5361
generally accepted accounting principles and other information as 5362
the director provides. All state agencies, authorities, 5363
institutions, offices, retirement systems, and other component 5364
units of the state reporting entity as determined by the director 5365
shall furnish the director whatever financial statements and other 5366
information the director requests for the report, in the form, at 5367
the times, covering the periods, and with the attestation the 5368
director prescribes. The information for state institutions of 5369
higher education, as defined in section 3345.011 of the Revised 5370
Code, shall be submitted to the director by the Ohio board of 5371

regents. The board shall establish a due date by which each such
institution shall submit the information to the board, but no such
date shall be later than one hundred twenty days after the end of
the state fiscal year unless a later date is approved by the
director.

(B) In addition to the director's duties under division (A)
of this section, the director of budget and management may
establish and administer one or more state payment card programs
that permit or require state agencies to use a payment card to
purchase equipment, materials, supplies, or services in accordance
with guidelines issued by the director. ~~The director may contract
with one or more vendors to provide the payment cards and payment
card services.~~ State agencies may only participate in state
payment card programs that the director establishes pursuant to
this section.

(C) In addition to the director's duties under divisions (A)
and (B) of this section, the director may enter into any contract
or agreement necessary for and incidental to the performance of
the director's duties or the duties of the office of budget and
management.

Sec. 126.22. The director of budget and management may:

(A) Perform ~~or contract for~~ accounting services for and
design and implement accounting systems with state agencies;

(B) Provide other accounting services, including the
preparation and submission of reports;

(C) Change any accounting code appearing in appropriations
acts of the general assembly.

Sec. ~~117.45~~ 126.35. (A) ~~The auditor of state~~ director of
budget and management shall draw warrants against the treasurer of

state pursuant to all requests for payment that the director ~~of~~ 5401
~~budget and management~~ has approved under section 126.07 of the 5402
Revised Code. 5403

(B) Unless the director of job and family services has 5404
provided for the making of payments by electronic benefit 5405
transfer, if a financial institution and account have been 5406
designated by the participant or recipient, payment by the ~~auditor~~ 5407
~~of state~~ director of budget and management to a participant in the 5408
Ohio works first program pursuant to Chapter 5107. of the Revised 5409
Code or a recipient of disability financial assistance pursuant to 5410
Chapter 5115. of the Revised Code shall be made by direct deposit 5411
to the account of the participant or recipient in the financial 5412
institution. Payment by the ~~auditor of state~~ director of budget 5413
and management to a recipient of benefits distributed through the 5414
medium of electronic benefit transfer pursuant to section 5101.33 5415
of the Revised Code shall be by electronic benefit transfer. 5416
Payment by the ~~auditor of state~~ director of budget and management 5417
as compensation to an employee of the state who has, pursuant to 5418
section 124.151 of the Revised Code, designated a financial 5419
institution and account for the direct deposit of such payments 5420
shall be made by direct deposit to the account of the employee. 5421
Payment to any other payee who has designated a financial 5422
institution and account for the direct deposit of such payment may 5423
be made by direct deposit to the account of the payee in the 5424
financial institution as provided in section 9.37 of the Revised 5425
Code. ~~The auditor of state shall contract with an authorized~~ 5426
~~financial institution for the services necessary to make direct~~ 5427
~~deposits or electronic benefit transfers under this division and~~ 5428
~~draw lump sum warrants payable to that institution in the amount~~ 5429
~~to be transferred.~~ Accounts maintained by the ~~auditor of state~~ 5430
director of budget and management or the ~~auditor of state's~~ 5431
director's agent in a financial institution for the purpose of 5432
effectuating payment by direct deposit or electronic benefit 5433

transfer shall be maintained in accordance with section 135.18 of 5434
the Revised Code. 5435

(C) All other payments from the state treasury shall be made 5436
by paper warrants or by direct deposit payable to the respective 5437
payees. The ~~auditor of state~~ director of budget and management may 5438
mail the paper warrants to the respective payees or distribute 5439
them through other state agencies, whichever the ~~auditor of state~~ 5440
director determines to be the better procedure. 5441

(D) If the average per transaction cost the ~~auditor of state~~ 5442
director of budget and management incurs in making direct deposits 5443
for a state agency exceeds the average per transaction cost the 5444
~~auditor of state~~ director incurs in drawing paper warrants for all 5445
public offices during the same period of time, the ~~auditor of~~ 5446
~~state~~ director may certify the difference in cost and the number 5447
of direct deposits for the agency to the director of 5448
administrative services. The director of administrative services 5449
shall reimburse the ~~auditor of state~~ director of budget and 5450
management for such additional costs and add the amount to the 5451
processing charge assessed upon the state agency. 5452

Sec. ~~117.46~~ 126.36. If the ~~auditor of state~~ director of 5453
budget and management is satisfied, by affidavit or otherwise, 5454
that any warrant on the state treasury drawn by ~~him~~ the director 5455
has been lost or destroyed prior to its presentation for payment, 5456
~~he~~ the director may issue to the proper person a replacement of 5457
the lost or destroyed warrant; provided, that before issuing the 5458
replacement, ~~he~~ the director shall require that the person making 5459
application therefor execute a formal agreement to indemnify the 5460
state for any loss or damage sustained on account of the issuance 5461
of the replacement and the subsequent presentation and payment of 5462
the original. The form of the agreement shall be prepared by the 5463
attorney general. The agreement when executed shall be filed with 5464

the ~~auditor of state~~ director. The treasurer of state shall not be 5465
liable because of ~~his paying~~ the payment of any replacement 5466
warrant drawn under this section. 5467

Sec. ~~117.47~~ 126.37. (A) The ~~auditor of state~~ director of 5468
budget and management shall void any warrant ~~he~~ the director draws 5469
on the state treasury pursuant to Chapter 5733. or 5747. of the 5470
Revised Code that is not presented for payment to the treasurer of 5471
state within two years after the date of issuance and shall void 5472
any other warrant ~~he~~ the director draws on the state treasury that 5473
is not presented to the treasurer of state within ninety days 5474
after the date of issuance. 5475

(B) If a warrant voided pursuant to division (A) of this 5476
section was drawn against an appropriation of the current fiscal 5477
year and the holder of the voided warrant presents the warrant for 5478
reissuance, in the same fiscal year, to the state agency that made 5479
the payment originally, the agency shall prepare a voucher for the 5480
holder of the voided warrant, in the amount shown on the warrant 5481
that has been voided, against the same appropriation of the same 5482
fiscal year if the agency is satisfied that payment is proper. 5483

(C) If a warrant was drawn against an appropriation of the 5484
first fiscal year of the fiscal biennium and voided pursuant to 5485
division (A) of this section in either fiscal year of the biennium 5486
and if the holder of the voided warrant presents the warrant for 5487
reissuance, in the second fiscal year of the biennium, to the 5488
state agency that made the payment originally, the agency shall 5489
prepare a voucher for the holder of the voided warrant, in the 5490
amount shown on the warrant that has been voided, against funds 5491
transferred to the agency by the director ~~of budget and management~~ 5492
pursuant to section 131.33 of the Revised Code, if the agency is 5493
satisfied that payment is proper. If no such funds are available 5494
for transfer, the agency shall prepare the voucher against any 5495

unexpended appropriations of the current fiscal year available to 5496
it. 5497

(D) If a warrant was drawn against an appropriation and, 5498
during the same biennium, was voided pursuant to division (A) of 5499
this section, and if, after that biennium, the holder of the 5500
voided warrant presents the warrant for reissuance to the state 5501
agency that made the payment originally, the agency shall prepare 5502
a voucher for the holder of the voided warrant, in the amount 5503
shown on the warrant that has been voided, against any 5504
appropriation of the current fiscal year made to the agency if the 5505
agency is satisfied that payment is proper. 5506

(E) If a warrant voided pursuant to division (A) of this 5507
section was drawn against an appropriation of a previous fiscal 5508
year and voided after that fiscal biennium and if the holder of 5509
the voided warrant presents the warrant for reissuance to the 5510
state agency that made the payment originally, the agency shall 5511
forward the warrant to the director ~~of budget and management~~ with 5512
a request for reissuance. The director shall make payment to the 5513
holder of the voided warrant, in the amount shown on the warrant 5514
that has been voided, against an appropriation of the current 5515
fiscal year made to the director ~~of budget and management~~ for the 5516
reissuance of voided warrants, if the director ~~of budget and~~ 5517
~~management~~ is satisfied that reissuance of the warrant is proper. 5518

Sec. 117.48 126.38. The ~~auditor of state~~ director of budget 5519
and management shall furnish an earnings statement with each pay 5520
warrant issued to a state employee paid on a payroll voucher. The 5521
statement shall include a summary of the earnings information 5522
provided to the ~~auditor of state~~ director pursuant to section 5523
125.21 of the Revised Code. 5524

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 5525

125., 126., 127., and 131. of the Revised Code, and any statute 5526
that uses the terms in connection with state accounting or 5527
budgeting: 5528

(A) "Account" means any record, element, or summary in which 5529
financial transactions are identified and recorded as debit or 5530
credit transactions in order to summarize items of a similar 5531
nature or classification. 5532

(B) "Accounting procedure" means the arrangement of all 5533
processes which discover, record, and summarize financial 5534
information to produce financial statements and reports and to 5535
provide internal control. 5536

(C) "Accounting system" means the total structure of records 5537
and procedures which discover, record, classify, and report 5538
information on the financial position and operations of a 5539
governmental unit or any of its funds and organizational 5540
components. 5541

(D) "Allocation" means a portion of an appropriation which is 5542
designated for expenditure by specific organizational units or for 5543
special purposes, activities, or objects that do not relate to a 5544
period of time. 5545

(E) "Allotment" means all or part of an appropriation which 5546
may be encumbered or expended within a specific period of time. 5547

(F) "Appropriation" means an authorization granted by the 5548
general assembly to make expenditures and to incur obligations for 5549
specific purposes. 5550

(G) "Assets" means resources owned, controlled, or otherwise 5551
used or held by the state which have monetary value. 5552

(H) "Budget" means the plan of financial operation embodying 5553
an estimate of proposed expenditures and obligations for a given 5554
period and the proposed means of financing them. 5555

(I) "Direct deposit" is a form of electronic funds transfer	5556
in which money is electronically deposited into the account of a	5557
person or entity at a financial institution.	5558
(J) "Disbursement" means a payment made for any purpose.	5559
(K) "Electronic benefit transfer" means the electronic	5560
delivery of benefits through automated teller machines, point of	5561
sale terminals, or other electronic media pursuant to section	5562
5101.33 of the Revised Code.	5563
(L) "Electronic funds transfer" means the electronic movement	5564
of funds via automated clearing house or wire transfer.	5565
(M) "Encumbrancing document" means a document reserving all	5566
or part of an appropriation.	5567
(N) "Expenditure" means a reduction of the balance of an	5568
appropriation after legal requirements have been met.	5569
(O) "Fund" means an independent fiscal and accounting entity	5570
with a self-balancing set of accounts recording cash or other	5571
resources, together with all related liabilities, obligations,	5572
reserves, and fund balances which are segregated for the purpose	5573
of carrying on specific activities or attaining certain objectives	5574
in accordance with special rules, restrictions, or limitations.	5575
(P) "Lapse" means the automatic termination of an	5576
appropriation at the end of the fiscal period for which it was	5577
appropriated.	5578
(Q) "Reappropriation" means an appropriation of a previous	5579
appropriation that is continued in force in a succeeding	5580
appropriation period. "Reappropriation" shall be equated with and	5581
incorporated in the term "appropriation."	5582
(R) "Voucher" means the document used to transmit a claim for	5583
payment and evidentiary matter related to the claim.	5584
(S) "Warrant" means an order drawn upon the treasurer of	5585

state by the ~~auditor of state~~ director of budget and management 5586
directing the treasurer of state to pay a specified amount, 5587
including an order to make a lump-sum payment to a financial 5588
institution for the transfer of funds by direct deposit or the 5589
drawdown of funds by electronic benefit transfer, and the 5590
resulting electronic transfer to or by the ultimate payees. 5591

The terms defined in this section shall be used, on all 5592
accounting forms, reports, formal rules, and budget requests 5593
produced by a state agency, only as defined in this section. 5594

Sec. 131.02. (A) ~~Whenever~~ Except as otherwise provided in 5595
section 4123.37 and division (J) of section 4123.511 of the 5596
Revised Code, whenever any amount is payable to the state, the 5597
officer, employee, or agent responsible for administering the law 5598
under which the amount is payable shall immediately proceed to 5599
collect the amount or cause the amount to be collected and shall 5600
pay the amount into the state treasury or into the appropriate 5601
custodial fund in the manner set forth pursuant to section 113.08 5602
of the Revised Code. Except as otherwise provided in this 5603
division, if the amount is not paid within forty-five days after 5604
payment is due, the officer, employee, or agent shall certify the 5605
amount due to the attorney general, in the form and manner 5606
prescribed by the attorney general, and notify the director of 5607
budget and management thereof. In the case of an amount payable by 5608
a student enrolled in a state institution of higher education, the 5609
amount shall be certified within the later of forty-five days 5610
after the amount is due or the tenth day after the beginning of 5611
the next academic semester, quarter, or other session following 5612
the session for which the payment is payable. The attorney general 5613
may assess the collection cost to the amount certified in such 5614
manner and amount as prescribed by the attorney general. 5615

For the purposes of this section, the attorney general and 5616

the officer, employee, or agent responsible for administering the 5617
law under which the amount is payable shall agree on the time a 5618
payment is due, and that agreed upon time shall be one of the 5619
following times: 5620

(1) If a law, including an administrative rule, of this state 5621
prescribes the time a payment is required to be made or reported, 5622
when the payment is required by that law to be paid or reported. 5623

(2) If the payment is for services rendered, when the 5624
rendering of the services is completed. 5625

(3) If the payment is reimbursement for a loss, when the loss 5626
is incurred. 5627

(4) In the case of a fine or penalty for which a law or 5628
administrative rule does not prescribe a time for payment, when 5629
the fine or penalty is first assessed. 5630

(5) If the payment arises from a legal finding, judgment, or 5631
adjudication order, when the finding, judgment, or order is 5632
rendered or issued. 5633

(6) If the payment arises from an overpayment of money by the 5634
state to another person, when the overpayment is discovered. 5635

(7) The date on which the amount for which an individual is 5636
personally liable under section 5735.35, section 5739.33, or 5637
division (G) of section 5747.07 of the Revised Code is determined. 5638

(8) Upon proof of claim being filed in a bankruptcy case. 5639

(9) Any other appropriate time determined by the attorney 5640
general and the officer, employee, or agent responsible for 5641
administering the law under which the amount is payable on the 5642
basis of statutory requirements or ordinary business processes of 5643
the state agency to which the payment is owed. 5644

(B)(1) The attorney general shall give immediate notice by 5645
mail or otherwise to the party indebted of the nature and amount 5646

of the indebtedness. 5647

(2) If the amount payable to this state arises from a tax 5648
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 5649
Code, the notice also shall specify all of the following: 5650

(a) The assessment or case number; 5651

(b) The tax pursuant to which the assessment is made; 5652

(c) The reason for the liability, including, if applicable, 5653
that a penalty or interest is due; 5654

(d) An explanation of how and when interest will be added to 5655
the amount assessed; 5656

(e) That the attorney general and tax commissioner, acting 5657
together, have the authority, but are not required, to compromise 5658
the claim and accept payment over a reasonable time, if such 5659
actions are in the best interest of the state. 5660

(C) The attorney general shall collect the claim or secure a 5661
judgment and issue an execution for its collection. 5662

(D) Each claim shall bear interest, from the day on which the 5663
claim became due, at the rate per annum required by section 5664
5703.47 of the Revised Code. 5665

(E) The attorney general and the chief officer of the agency 5666
reporting a claim, acting together, may do any of the following if 5667
such action is in the best interests of the state: 5668

(1) Compromise the claim; 5669

(2) Extend for a reasonable period the time for payment of 5670
the claim by agreeing to accept monthly or other periodic 5671
payments. The agreement may require security for payment of the 5672
claim. 5673

(3) Add fees to recover the cost of processing checks or 5674
other draft instruments returned for insufficient funds and the 5675

cost of providing electronic payment options. 5676

(F)(1) Except as provided in division (F)(2) of this section, 5677
if the attorney general finds, after investigation, that any claim 5678
due and owing to the state is uncollectible, the attorney general, 5679
with the consent of the chief officer of the agency reporting the 5680
claim, may do the following: 5681

(a) Sell, convey, or otherwise transfer the claim to one or 5682
more private entities for collection; 5683

(b) Cancel the claim or cause it to be ~~cancelled~~ canceled . 5684

(2) The attorney general shall cancel or cause to be 5685
~~cancelled~~ canceled an unsatisfied claim on the date that is forty 5686
years after the date the claim is certified. 5687

(3) If information contained in a claim that is sold, 5688
conveyed, or transferred to a private entity pursuant to this 5689
section is confidential pursuant to federal law or a section of 5690
the Revised Code that implements a federal law governing 5691
confidentiality, such information remains subject to that law 5692
during and following the sale, conveyance, or transfer. 5693

Sec. 131.022. (A) As used in this section: 5694

(1) "Final overdue claim" means a claim that has been 5695
certified to the attorney general under section 131.02 of the 5696
Revised Code, that has been final for at least one year, and for 5697
which no arrangements have been made for the payment of the claim 5698
or, if arrangements for the payment of the claim have been made, 5699
the person owing the claim has failed to comply with the terms of 5700
the arrangement for more than thirty days. 5701

"Final overdue claim" includes collection costs incurred with 5702
respect to the claim that is the basis of the final overdue claim 5703
and assessed by the attorney general under division (A) of section 5704
131.02 of the Revised Code, interest accruing to the claim under 5705

division (D) of that section, and fees added under division (E)(3)
of that section.

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

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(B) If a claim is certified to the attorney general under
section 131.02 of the Revised Code, at any time after the claim is
a final overdue claim, the attorney general may, subject to the
approval of the controlling board, sell the claim to any person
through a competitive process.

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

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

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(1) The nature and amount of the claim;

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(2) The manner in which the person may contact the office of
the attorney general to arrange terms for payment of the claim;

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(3) That if the person does not contact the office of the
attorney general within sixty days after the date the notice is
issued and arrange terms of payment of the claim all of the
following apply:

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(a) The attorney general will offer the claim for sale to a

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private party for collection by that party by any legal means; 5736

(b) The person is deemed to be denied any right to seek and 5737
obtain a refund of any amount from which the claim arises if the 5738
applicable law otherwise allows for a refund of that nature; 5739

(c) Except as provided in division (I) of this section, the 5740
person is deemed to waive any right the person may have to 5741
confidentiality of information regarding the claim to the extent 5742
confidentiality is provided under any other section of the Revised 5743
Code. 5744

(E) Upon the sale of a final overdue claim under this 5745
section, the claim becomes the property of the purchaser, and the 5746
purchaser may sell or otherwise transfer the claim to any other 5747
person or otherwise dispose of the claim. The owner of the claim 5748
is entitled to all proceeds from the collection of the claim. 5749
Purchasers or transferees of a final overdue claim are subject to 5750
any applicable laws governing collection of debts of the kind 5751
represented by the claim. 5752

(F) Upon the sale or transfer of a final overdue claim under 5753
this section, no refund shall be issued or paid to the person 5754
owing the claim for any part of the amount from which the claim 5755
arises. 5756

(G) Notwithstanding any other section of the Revised Code, 5757
the attorney general, solely for the purpose of effecting the sale 5758
or transfer of a final overdue claim under this section, may 5759
disclose information about the person owing the claim that 5760
otherwise would be confidential under a section of the Revised 5761
Code, and the person shall have no right of action against that 5762
disclosure to the extent a right of that nature is available under 5763
that section. 5764

(H) The authority granted under this section is supplemental 5765
to the authority granted under section 131.02 of the Revised Code. 5766

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

Sec. 131.33. No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section ~~117.47~~ 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this section, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, and 2151.655 of the Revised Code, in other sections of the Revised

Code that make reference to this chapter unless the context does 5797
not permit, and in related proceedings, unless otherwise expressly 5798
provided: 5799

(A) "Acquisition" as applied to real or personal property 5800
includes, among other forms of acquisition, acquisition by 5801
exercise of a purchase option, and acquisition of interests in 5802
property, including, without limitation, easements and 5803
rights-of-way, and leasehold and other lease interests initially 5804
extending or extendable for a period of at least sixty months. 5805

(B) "Anticipatory securities" means securities, including 5806
notes, issued in anticipation of the issuance of other securities. 5807

(C) "Board of elections" means the county board of elections 5808
of the county in which the subdivision is located. If the 5809
subdivision is located in more than one county, "board of 5810
elections" means the county board of elections of the county that 5811
contains the largest portion of the population of the subdivision 5812
or that otherwise has jurisdiction in practice over and 5813
customarily handles election matters relating to the subdivision. 5814

(D) "Bond retirement fund" means the bond retirement fund 5815
provided for in section 5705.09 of the Revised Code, and also 5816
means a sinking fund or any other special fund, regardless of the 5817
name applied to it, established by or pursuant to law or the 5818
proceedings for the payment of debt charges. Provision may be made 5819
in the applicable proceedings for the establishment in a bond 5820
retirement fund of separate accounts relating to debt charges on 5821
particular securities, or on securities payable from the same or 5822
common sources, and for the application of moneys in those 5823
accounts only to specified debt charges on specified securities or 5824
categories of securities. Subject to law and any provisions in the 5825
applicable proceedings, moneys in a bond retirement fund or 5826
separate account in a bond retirement fund may be transferred to 5827

other funds and accounts. 5828

(E) "Capitalized interest" means all or a portion of the 5829
interest payable on securities from their date to a date stated or 5830
provided for in the applicable legislation, which interest is to 5831
be paid from the proceeds of the securities. 5832

(F) "Chapter 133. securities" means securities authorized by 5833
or issued pursuant to or in accordance with this chapter. 5834

(G) "County auditor" means the county auditor of the county 5835
in which the subdivision is located. If the subdivision is located 5836
in more than one county, "county auditor" means the county auditor 5837
of the county that contains the highest amount of the tax 5838
valuation of the subdivision or that otherwise has jurisdiction in 5839
practice over and customarily handles property tax matters 5840
relating to the subdivision. In the case of a county that has 5841
adopted a charter, "county auditor" means the officer who 5842
generally has the duties and functions provided in the Revised 5843
Code for a county auditor. 5844

(H) "Credit enhancement facilities" means letters of credit, 5845
lines of credit, stand-by, contingent, or firm securities purchase 5846
agreements, insurance, or surety arrangements, guarantees, and 5847
other arrangements that provide for direct or contingent payment 5848
of debt charges, for security or additional security in the event 5849
of nonpayment or default in respect of securities, or for making 5850
payment of debt charges to and at the option and on demand of 5851
securities holders or at the option of the issuer or upon certain 5852
conditions occurring under put or similar arrangements, or for 5853
otherwise supporting the credit or liquidity of the securities, 5854
and includes credit, reimbursement, marketing, remarketing, 5855
indexing, carrying, interest rate hedge, and subrogation 5856
agreements, and other agreements and arrangements for payment and 5857
reimbursement of the person providing the credit enhancement 5858

facility and the security for that payment and reimbursement. 5859

(I) "Current operating expenses" or "current expenses" means 5860
the lawful expenditures of a subdivision, except those for 5861
permanent improvements and for payments of debt charges of the 5862
subdivision. 5863

(J) "Debt charges" means the principal, including any 5864
mandatory sinking fund deposits and mandatory redemption payments, 5865
interest, and any redemption premium, payable on securities as 5866
those payments come due and are payable. The use of "debt charges" 5867
for this purpose does not imply that any particular securities 5868
constitute debt within the meaning of the Ohio Constitution or 5869
other laws. 5870

(K) "Financing costs" means all costs and expenses relating 5871
to the authorization, including any required election, issuance, 5872
sale, delivery, authentication, deposit, custody, clearing, 5873
registration, transfer, exchange, fractionalization, replacement, 5874
payment, and servicing of securities, including, without 5875
limitation, costs and expenses for or relating to publication and 5876
printing, postage, delivery, preliminary and final official 5877
statements, offering circulars, and informational statements, 5878
travel and transportation, underwriters, placement agents, 5879
investment bankers, paying agents, registrars, authenticating 5880
agents, remarketing agents, custodians, clearing agencies or 5881
corporations, securities depositories, financial advisory 5882
services, certifications, audits, federal or state regulatory 5883
agencies, accounting and computation services, legal services and 5884
obtaining approving legal opinions and other legal opinions, 5885
credit ratings, redemption premiums, and credit enhancement 5886
facilities. Financing costs may be paid from any moneys available 5887
for the purpose, including, unless otherwise provided in the 5888
proceedings, from the proceeds of the securities to which they 5889
relate and, as to future financing costs, from the same sources 5890

from which debt charges on the securities are paid and as though 5891
debt charges. 5892

(L) "Fiscal officer" means the following, or, in the case of 5893
absence or vacancy in the office, a deputy or assistant authorized 5894
by law or charter to act in the place of the named officer, or if 5895
there is no such authorization then the deputy or assistant 5896
authorized by legislation to act in the place of the named officer 5897
for purposes of this chapter, in the case of the following 5898
subdivisions: 5899

(1) A county, the county auditor; 5900

(2) A municipal corporation, the city auditor or village 5901
clerk or clerk-treasurer, or the officer who, by virtue of a 5902
charter, has the duties and functions provided in the Revised Code 5903
for the city auditor or village clerk or clerk-treasurer; 5904

(3) A school district, the treasurer of the board of 5905
education; 5906

(4) A regional water and sewer district, the secretary of the 5907
board of trustees; 5908

(5) A joint township hospital district, the treasurer of the 5909
district; 5910

(6) A joint ambulance district, the clerk of the board of 5911
trustees; 5912

(7) A joint recreation district, the person designated 5913
pursuant to section 755.15 of the Revised Code; 5914

(8) A detention facility district or a district organized 5915
under section 2151.65 of the Revised Code or a combined district 5916
organized under sections 2152.41 and 2151.65 of the Revised Code, 5917
the county auditor of the county designated by law to act as the 5918
auditor of the district; 5919

(9) A township, a fire district organized under division (C) 5920

of section 505.37 of the Revised Code, or a township police	5921
district, the fiscal officer of the township;	5922
(10) A joint fire district, the clerk of the board of	5923
trustees of that district;	5924
(11) A regional or county library district, the person	5925
responsible for the financial affairs of that district;	5926
(12) A joint solid waste management district, the fiscal	5927
officer appointed by the board of directors of the district under	5928
section 343.01 of the Revised Code;	5929
(13) A joint emergency medical services district, the person	5930
appointed as fiscal officer pursuant to division (D) of section	5931
307.053 of the Revised Code;	5932
(14) A fire and ambulance district, the person appointed as	5933
fiscal officer under division (B) of section 505.375 of the	5934
Revised Code;	5935
(15) A subdivision described in division (MM)(17) of this	5936
section, the officer who is designated by law as or performs the	5937
functions of its chief fiscal officer.	5938
(M) "Fiscal year" has the same meaning as in section 9.34 of	5939
the Revised Code.	5940
(N) "Fractionalized interests in public obligations" means	5941
participations, certificates of participation, shares, or other	5942
instruments or agreements, separate from the public obligations	5943
themselves, evidencing ownership of interests in public	5944
obligations or of rights to receive payments of, or on account of,	5945
principal or interest or their equivalents payable by or on behalf	5946
of an obligor pursuant to public obligations.	5947
(O) "Fully registered securities" means securities in	5948
certificated or uncertificated form, registered as to both	5949
principal and interest in the name of the owner.	5950

(P) "Fund" means to provide for the payment of debt charges 5951
and expenses related to that payment at or prior to retirement by 5952
purchase, call for redemption, payment at maturity, or otherwise. 5953

(Q) "General obligation" means securities to the payment of 5954
debt charges on which the full faith and credit and the general 5955
property taxing power, including taxes within the tax limitation 5956
if available to the subdivision, of the subdivision are pledged. 5957

(R) "Interest" or "interest equivalent" means those payments 5958
or portions of payments, however denominated, that constitute or 5959
represent consideration for forbearing the collection of money, or 5960
for deferring the receipt of payment of money to a future time. 5961

(S) "Internal Revenue Code" means the "Internal Revenue Code 5962
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 5963
includes any laws of the United States providing for application 5964
of that code. 5965

(T) "Issuer" means any public issuer and any nonprofit 5966
corporation authorized to issue securities for or on behalf of any 5967
public issuer. 5968

(U) "Legislation" means an ordinance or resolution passed by 5969
a majority affirmative vote of the then members of the taxing 5970
authority unless a different vote is required by charter 5971
provisions governing the passage of the particular legislation by 5972
the taxing authority. 5973

(V) "Mandatory sinking fund redemption requirements" means 5974
amounts required by proceedings to be deposited in a bond 5975
retirement fund for the purpose of paying in any year or fiscal 5976
year by mandatory redemption prior to stated maturity the 5977
principal of securities that is due and payable, except for 5978
mandatory prior redemption requirements as provided in those 5979
proceedings, in a subsequent year or fiscal year. 5980

(W) "Mandatory sinking fund requirements" means amounts 5981
required by proceedings to be deposited in a year or fiscal year 5982
in a bond retirement fund for the purpose of paying the principal 5983
of securities that is due and payable in a subsequent year or 5984
fiscal year. 5985

(X) "Net indebtedness" has the same meaning as in division 5986
(A) of section 133.04 of the Revised Code. 5987

(Y) "Obligor," in the case of securities or fractionalized 5988
interests in public obligations issued by another person the debt 5989
charges or their equivalents on which are payable from payments 5990
made by a public issuer, means that public issuer. 5991

(Z) "One purpose" relating to permanent improvements means 5992
any one permanent improvement or group or category of permanent 5993
improvements for the same utility, enterprise, system, or project, 5994
development or redevelopment project, or for or devoted to the 5995
same general purpose, function, or use or for which 5996
self-supporting securities, based on the same or different sources 5997
of revenues, may be issued or for which special assessments may be 5998
levied by a single ordinance or resolution. "One purpose" 5999
includes, but is not limited to, in any case any off-street 6000
parking facilities relating to another permanent improvement, and: 6001

(1) Any number of roads, highways, streets, bridges, 6002
sidewalks, and viaducts; 6003

(2) Any number of off-street parking facilities; 6004

(3) In the case of a county, any number of permanent 6005
improvements for courthouse, jail, county offices, and other 6006
county buildings, and related facilities; 6007

(4) In the case of a school district, any number of 6008
facilities and buildings for school district purposes, and related 6009
facilities. 6010

(AA) "Outstanding," referring to securities, means securities 6011
that have been issued, delivered, and paid for, except any of the 6012
following: 6013

(1) Securities canceled upon surrender, exchange, or 6014
transfer, or upon payment or redemption; 6015

(2) Securities in replacement of which or in exchange for 6016
which other securities have been issued; 6017

(3) Securities for the payment, or redemption or purchase for 6018
cancellation prior to maturity, of which sufficient moneys or 6019
investments, in accordance with the applicable legislation or 6020
other proceedings or any applicable law, by mandatory sinking fund 6021
redemption requirements, mandatory sinking fund requirements, or 6022
otherwise, have been deposited, and credited for the purpose in a 6023
bond retirement fund or with a trustee or paying or escrow agent, 6024
whether at or prior to their maturity or redemption, and, in the 6025
case of securities to be redeemed prior to their stated maturity, 6026
notice of redemption has been given or satisfactory arrangements 6027
have been made for giving notice of that redemption, or waiver of 6028
that notice by or on behalf of the affected security holders has 6029
been filed with the subdivision or its agent for the purpose. 6030

(BB) "Paying agent" means the one or more banks, trust 6031
companies, or other financial institutions or qualified persons, 6032
including an appropriate office or officer of the subdivision, 6033
designated as a paying agent or place of payment of debt charges 6034
on the particular securities. 6035

(CC) "Permanent improvement" or "improvement" means any 6036
property, asset, or improvement certified by the fiscal officer, 6037
which certification is conclusive, as having an estimated life or 6038
period of usefulness of five years or more, and includes, but is 6039
not limited to, real estate, buildings, and personal property and 6040
interests in real estate, buildings, and personal property, 6041

equipment, furnishings, and site improvements, and reconstruction, 6042
rehabilitation, renovation, installation, improvement, 6043
enlargement, and extension of property, assets, or improvements so 6044
certified as having an estimated life or period of usefulness of 6045
five years or more. The acquisition of all the stock ownership of 6046
a corporation is the acquisition of a permanent improvement to the 6047
extent that the value of that stock is represented by permanent 6048
improvements. A permanent improvement for parking, highway, road, 6049
and street purposes includes resurfacing, but does not include 6050
ordinary repair. 6051

(DD) "Person" has the same meaning as in section 1.59 of the 6052
Revised Code and also includes any federal, state, interstate, 6053
regional, or local governmental agency, any subdivision, and any 6054
combination of those persons. 6055

(EE) "Proceedings" means the legislation, certifications, 6056
notices, orders, sale proceedings, trust agreement or indenture, 6057
mortgage, lease, lease-purchase agreement, assignment, credit 6058
enhancement facility agreements, and other agreements, 6059
instruments, and documents, as amended and supplemented, and any 6060
election proceedings, authorizing, or providing for the terms and 6061
conditions applicable to, or providing for the security or sale or 6062
award of, public obligations, and includes the provisions set 6063
forth or incorporated in those public obligations and proceedings. 6064

(FF) "Public issuer" means any of the following that is 6065
authorized by law to issue securities or enter into public 6066
obligations: 6067

(1) The state, including an agency, commission, officer, 6068
institution, board, authority, or other instrumentality of the 6069
state; 6070

(2) A taxing authority, subdivision, district, or other local 6071
public or governmental entity, and any combination or consortium, 6072

or public division, district, commission, authority, department,
board, officer, or institution, thereof; 6073
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(3) Any other body corporate and politic, or other public
entity. 6075
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(GG) "Public obligations" means both of the following: 6077

(1) Securities; 6078

(2) Obligations of a public issuer to make payments under
installment sale, lease, lease purchase, or similar agreements,
which obligations bear interest or interest equivalent. 6079
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(HH) "Refund" means to fund and retire outstanding
securities, including advance refunding with or without payment or
redemption prior to maturity. 6082
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(II) "Register" means the books kept and maintained by the
registrar for registration, exchange, and transfer of registered
securities. 6085
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(JJ) "Registrar" means the person responsible for keeping the
register for the particular registered securities, designated by
or pursuant to the proceedings. 6088
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(KK) "Securities" means bonds, notes, certificates of
indebtedness, commercial paper, and other instruments in writing,
including, unless the context does not admit, anticipatory
securities, issued by an issuer to evidence its obligation to
repay money borrowed, or to pay interest, by, or to pay at any
future time other money obligations of, the issuer of the
securities, but not including public obligations described in
division (GG)(2) of this section. 6091
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(LL) "Self-supporting securities" means securities or
portions of securities issued for the purpose of paying costs of
permanent improvements to the extent that receipts of the
subdivision, other than the proceeds of taxes levied by that 6099
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subdivision, derived from or with respect to the improvements or 6103
the operation of the improvements being financed, or the 6104
enterprise, system, project, or category of improvements of which 6105
the improvements being financed are part, are estimated by the 6106
fiscal officer to be sufficient to pay the current expenses of 6107
that operation or of those improvements or enterprise, system, 6108
project, or categories of improvements and the debt charges 6109
payable from those receipts on securities issued for the purpose. 6110
Until such time as the improvements or increases in rates and 6111
charges have been in operation or effect for a period of at least 6112
six months, the receipts therefrom, for purposes of this 6113
definition, shall be those estimated by the fiscal officer, except 6114
that those receipts may include, without limitation, payments made 6115
and to be made to the subdivision under leases or agreements in 6116
effect at the time the estimate is made. In the case of an 6117
operation, improvements, or enterprise, system, project, or 6118
category of improvements without at least a six-month history of 6119
receipts, the estimate of receipts by the fiscal officer, other 6120
than those to be derived under leases and agreements then in 6121
effect, shall be confirmed by the taxing authority. 6122

(MM) "Subdivision" means any of the following: 6123

(1) A county, including a county that has adopted a charter 6124
under Article X, Ohio Constitution; 6125

(2) A municipal corporation, including a municipal 6126
corporation that has adopted a charter under Article XVIII, Ohio 6127
Constitution; 6128

(3) A school district; 6129

(4) A regional water and sewer district organized under 6130
Chapter 6119. of the Revised Code; 6131

(5) A joint township hospital district organized under 6132
section 513.07 of the Revised Code; 6133

(6) A joint ambulance district organized under section 505.71 of the Revised Code;	6134 6135
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	6136 6137
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	6138 6139 6140 6141
(9) A township police district organized under section 505.48 of the Revised Code;	6142 6143
(10) A township;	6144
(11) A joint fire district organized under section 505.371 of the Revised Code;	6145 6146
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	6147 6148 6149
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	6150 6151
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	6152 6153
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	6154 6155
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	6156 6157
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	6158 6159 6160
(NN) "Taxing authority" means in the case of the following subdivisions:	6161 6162

- (1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district; 6163
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- (2) A municipal corporation, the legislative authority; 6169
- (3) A school district, the board of education; 6170
- (4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district; 6171
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- (5) A joint township hospital district, the joint township hospital board; 6175
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- (6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners; 6177
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- (7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees; 6182
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- (8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district; 6185
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- (9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official. 6188
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- (00) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, 6190
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or, in the case of a municipal corporation or county with a
different charter limitation on property taxes levied to pay debt
charges on unvoted securities, that charter limitation. Those
limitations shall be respectively referred to as the "ten-mill
limitation" and the "charter tax limitation."

(PP) "Tax valuation" means the aggregate of the valuations of
property subject to ad valorem property taxation by the
subdivision on the real property, personal property, and public
utility property tax lists and duplicates most recently certified
for collection, and shall be calculated without deductions of the
valuations of otherwise taxable property exempt in whole or in
part from taxation by reason of exemptions of certain amounts of
taxable value under division (C) of section 5709.01 or section
323.152 of the Revised Code, or similar laws now or in the future
in effect.

For purposes of section 133.06 of the Revised Code, "tax
valuation" shall not include the valuation of tangible personal
property used in business, telephone or telegraph property,
interexchange telecommunications company property, or personal
property owned or leased by a railroad company and used in
railroad operations listed under or described in section 5711.22,
division (B) or (F) of section 5727.111, or section 5727.12 of the
Revised Code.

(QQ) "Year" means the calendar year.

(RR) "Administrative agent," "agent," "commercial paper,"
"floating rate interest structure," "indexing agent," "interest
rate hedge," "interest rate period," "put arrangement," and
"remarketing agent" have the same meanings as in section 9.98 of
the Revised Code.

(SS) "Sales tax supported" means obligations to the payment
of debt charges on which an additional sales tax or additional

sales taxes have been pledged by the taxing authority of a county 6224
pursuant to section 133.081 of the Revised Code. 6225

Sec. 133.04. (A) As used in this chapter, "net indebtedness" 6226
means, as determined pursuant to this section, the principal 6227
amount of the outstanding securities of a subdivision less the 6228
amount held in a bond retirement fund to the extent such amount is 6229
not taken into account in determining the principal amount 6230
outstanding under division (AA) of section 133.01 of the Revised 6231
Code. For purposes of this definition, the principal amount of 6232
outstanding securities includes the principal amount of 6233
outstanding securities of another subdivision apportioned to the 6234
subdivision as a result of acquisition of territory, and excludes 6235
the principal amount of outstanding securities of the subdivision 6236
apportioned to another subdivision as a result of loss of 6237
territory and the payment or reimbursement obligations of the 6238
subdivision under credit enhancement facilities relating to 6239
outstanding securities. 6240

(B) In calculating the net indebtedness of a subdivision, 6241
none of the following securities, including anticipatory 6242
securities issued in anticipation of their issuance, shall be 6243
considered: 6244

(1) Securities issued in anticipation of the levy or 6245
collection of special assessments, either in original or refunded 6246
form; 6247

(2) Securities issued in anticipation of the collection of 6248
current revenues for the fiscal year or other period not to exceed 6249
twelve consecutive months, or securities issued in anticipation of 6250
the collection of the proceeds from a specifically identified 6251
voter-approved tax levy; 6252

(3) Securities issued for purposes described in section 6253

133.12 of the Revised Code;	6254
(4) Securities issued under Chapter 122., 140., 165., 725., or 761. or section 131.23 of the Revised Code;	6255 6256
(5) Securities issued to pay final judgments or court-approved settlements under authorizing laws and securities issued under section 2744.081 of the Revised Code;	6257 6258 6259
(6) Securities issued to pay costs of permanent improvements to the extent they are issued in anticipation of the receipt of, and are payable as to principal from, federal or state grants or distributions for, or legally available for, that principal or for the costs of those permanent improvements;	6260 6261 6262 6263 6264
(7) Securities issued to evidence loans from the state capital improvements fund pursuant to Chapter 164. of the Revised Code or from the state infrastructure bank pursuant to section 5531.09 of the Revised Code;	6265 6266 6267 6268
(8) That percentage of the principal amount of general obligation securities issued by a county, township, or municipal corporation to pay the costs of permanent improvements equal to the percentage of the debt charges on those securities payable during the current fiscal year that the fiscal officer estimates can be paid during the current fiscal year from payments in lieu of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 5709.79 of the Revised Code, and that the legislation authorizing the issuance of the securities pledges or covenants will be used for the payment of those debt charges; provided that the amount excluded from consideration under division (B)(8) of this section shall not exceed the lesser of thirty million dollars or one-half per cent of the subdivision's tax valuation in the case of a county or township, or one and one-tenth per cent of the subdivision's tax valuation in the case of a municipal corporation;	6269 6270 6271 6272 6273 6274 6275 6276 6277 6278 6279 6280 6281 6282 6283 6284

(9) Securities issued in an amount equal to the property tax replacement payments received under section 5727.85 or 5727.86 of the Revised Code; 6285
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~~(9)~~(10) Securities issued in an amount equal to the property tax replacement payments received under section 5751.21 or 5751.22 of the Revised Code; 6288
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(11) Other securities, including self-supporting securities, excepted by law from the calculation of net indebtedness or from the application of this chapter; 6291
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~~(10)~~(12) Any other securities outstanding on October 30, 1989, and then excepted from the calculation of net indebtedness or from the application of this chapter, and securities issued at any time to fund or refund those securities. 6294
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Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 of the Revised Code, or as provided in division (J) of this section. 6298
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(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation. 6305
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(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the 6308
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commissioner, consent to the submission. A request for the
consents shall be made at least ~~thirty~~ one hundred five days prior
to the election at which the question is to be submitted, ~~except~~
~~that the superintendent of public instruction and the tax~~
~~commissioner may waive this thirty day deadline or grant their~~
~~consents after the election if the school district shows good~~
~~cause for such waiver or consent after the election.~~

The superintendent of public instruction shall certify to the
district the superintendent's and the tax commissioner's decisions
within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at
the election for which the superintendent of public instruction
and tax commissioner consented to the submission of the question,
the school district may submit the same question to the electors
on the date that the next special election may be held under
section 3501.01 of the Revised Code without submitting a new
request for consent. If the school district seeks to submit the
same question at any other subsequent election, the district shall
first submit a new request for consent in accordance with this
division.

(D) In calculating the net indebtedness of a school district,
none of the following shall be considered:

(1) Securities issued to acquire school buses and other
equipment used in transporting pupils or issued pursuant to
division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section,
under section 133.301 of the Revised Code, and, to the extent in
excess of the limitation stated in division (B) of this section,
under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint
vocational school district under section 3311.217 of the Revised

Code, evidenced by outstanding securities of that joint vocational school district;	6346 6347
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;	6348 6349 6350
(5) Debt incurred under section 3313.374 of the Revised Code;	6351
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	6352 6353 6354
(7) Debt incurred under section 3318.042 of the Revised Code.	6355
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6356 6357
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6358 6359 6360
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6361 6362
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6363 6364 6365 6366
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6367 6368 6369
(a) A history of and a projection of the growth of the student population;	6370 6371
(b) The history of and a projection of the growth of the tax valuation;	6372 6373
(c) The projected needs;	6374

(d) The estimated cost of permanent improvements proposed to meet such projected needs. 6375
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(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following: 6377
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(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs. 6380
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(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive. 6383
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(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following: 6391
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(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities; 6395
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(b) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years. 6401
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(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;

(c) The county auditor shall advise and, not later than sixty-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than sixty days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the Ohio school facilities commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations,

modifications, or remodeling is not likely to exceed the amount of 6467
money it would save in energy and resultant operational and 6468
maintenance costs over the ensuing fifteen years, the board may 6469
submit to the commission a copy of its findings and a request for 6470
approval to incur indebtedness to finance the making or 6471
modification of installations or the remodeling of buildings for 6472
the purpose of significantly reducing energy consumption. 6473

If the commission determines that the board's findings are 6474
reasonable, it shall approve the board's request. Upon receipt of 6475
the commission's approval, the district may issue securities 6476
without a vote of the electors in a principal amount not to exceed 6477
nine-tenths of one per cent of its tax valuation for the purpose 6478
of making such installations, modifications, or remodeling, but 6479
the total net indebtedness of the district without a vote of the 6480
electors incurred under this and all other sections of the Revised 6481
Code shall not exceed one per cent of the district's tax 6482
valuation. 6483

So long as any securities issued under division (G) of this 6484
section remain outstanding, the board of education shall monitor 6485
the energy consumption and resultant operational and maintenance 6486
costs of buildings in which installations or modifications have 6487
been made or remodeling has been done pursuant to division (G) of 6488
this section and shall maintain and annually update a report 6489
documenting the reductions in energy consumption and resultant 6490
operational and maintenance cost savings attributable to such 6491
installations, modifications, or remodeling. The report shall be 6492
certified by an architect or engineer independent of any person 6493
that provided goods or services to the board in connection with 6494
the energy conservation measures that are the subject of the 6495
report. The resultant operational and maintenance cost savings 6496
shall be certified by the school district treasurer. The report 6497
shall be made available to the commission upon request. 6498

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the

issuance of securities in accordance with the provisions of this 6530
chapter in excess of the limit specified in division (B) or (C) of 6531
this section when necessary to raise the school district portion 6532
of the basic project cost ~~pursuant to~~ and any additional funds 6533
necessary to participate in a project under Chapter 3318. of the 6534
Revised Code, including the cost of items designated by the Ohio 6535
school facilities commission as required locally funded 6536
initiatives and the cost for site acquisition. The school 6537
facilities commission shall notify the superintendent of public 6538
instruction whenever a school district will exceed either limit 6539
pursuant to this division. 6540

(J) A school district whose portion of the basic project cost 6541
of its classroom facilities project under sections 3318.01 to 6542
3318.20 of the Revised Code is greater than or equal to one 6543
hundred million dollars may incur without a vote of the electors 6544
net indebtedness in an amount up to two per cent of its tax 6545
valuation through the issuance of general obligation securities in 6546
order to generate all or part of the amount of its portion of the 6547
basic project cost if the controlling board has approved the 6548
school facilities commission's conditional approval of the project 6549
under section 3318.04 of the Revised Code. The school district 6550
board and the Ohio school facilities commission shall include the 6551
dedication of the proceeds of such securities in the agreement 6552
entered into under section 3318.08 of the Revised Code. No state 6553
moneys shall be released for a project to which this section 6554
applies until the proceeds of any bonds issued under this section 6555
that are dedicated for the payment of the school district portion 6556
of the project are first deposited into the school district's 6557
project construction fund. 6558

Sec. 133.18. (A) The taxing authority of a subdivision may by 6559
legislation submit to the electors of the subdivision the question 6560

of issuing any general obligation bonds, for one purpose, that the
subdivision has power or authority to issue.

(B) When the taxing authority of a subdivision desires or is
required by law to submit the question of a bond issue to the
electors, it shall pass legislation that does all of the
following:

(1) Declares the necessity and purpose of the bond issue;

(2) States the date of the authorized election at which the
question shall be submitted to the electors;

(3) States the amount, approximate date, estimated rate of
interest, and maximum number of years over which the principal of
the bonds may be paid;

(4) Declares the necessity of levying a tax outside the tax
limitation to pay the debt charges on the bonds and any
anticipatory securities.

The estimated rate of interest, and any statutory or charter
limit on interest ~~rate~~ rates that may then be in effect and that
is subsequently amended, shall not be a limitation on the actual
interest rate or rates on the securities when issued.

(C)(1) The taxing authority shall certify a copy of the
legislation passed under division (B) of this section to the
county auditor. The county auditor shall promptly calculate and
advise and, not later than seventy-five days before the election,
confirm that advice by certification to, the taxing authority the
estimated average annual property tax levy, expressed in cents or
dollars and cents for each one hundred dollars of tax valuation
and in mills for each one dollar of tax valuation, that the county
auditor estimates to be required throughout the stated maturity of
the bonds to pay the debt charges on the bonds. In calculating the
estimated average annual property tax levy for this purpose, the
county auditor shall assume that the bonds are issued in one

series bearing interest and maturing in substantially equal 6592
principal amounts in each year over the maximum number of years 6593
over which the principal of the bonds may be paid as stated in 6594
that legislation, and that the amount of the tax valuation of the 6595
subdivision for the current year remains the same throughout the 6596
maturity of the bonds, except as otherwise provided in division 6597
(C)(2) of this section. If the tax valuation for the current year 6598
is not determined, the county auditor shall base the calculation 6599
on the estimated amount of the tax valuation submitted by the 6600
county auditor to the county budget commission. If the subdivision 6601
is located in more than one county, the county auditor shall 6602
obtain the assistance of the county auditors of the other 6603
counties, and those county auditors shall provide assistance, in 6604
establishing the tax valuation of the subdivision for purposes of 6605
certifying the estimated average annual property tax levy. 6606

(2) When considering the tangible personal property component 6607
of the tax valuation of the subdivision, the county auditor shall 6608
take into account the assessment percentages prescribed in section 6609
5711.22 of the Revised Code. The tax commissioner may issue rules, 6610
orders, or instructions directing how the assessment percentages 6611
must be utilized. 6612

(D) After receiving the county auditor's advice under 6613
division (C) of this section, the taxing authority by legislation 6614
may determine to proceed with submitting the question of the issue 6615
of securities, and shall, not later than the seventy-fifth day 6616
before the day of the election, file the following with the board 6617
of elections: 6618

(1) Copies of the legislation provided for in divisions (B) 6619
and (D) of this section; 6620

(2) The amount of the estimated average annual property tax 6621
levy, expressed in cents or dollars and cents for each one hundred 6622
dollars of tax valuation and in mills for each one dollar of tax 6623

valuation, as estimated and certified to the taxing authority by the county auditor. 6624
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(E)(1) The board of elections shall prepare the ballots and make other necessary arrangements for the submission of the question to the electors of the subdivision. If the subdivision is located in more than one county, the board shall inform the boards of elections of the other counties of the filings with it, and those other boards shall if appropriate make the other necessary arrangements for the election in their counties. The election shall be conducted, canvassed, and certified in the manner provided in Title XXXV of the Revised Code. 6626
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(2) The election shall be held at the regular places for voting in the subdivision. If the electors of only a part of a precinct are qualified to vote at the election the board of elections may assign the electors in that part to an adjoining precinct, including an adjoining precinct in another county if the board of elections of the other county consents to and approves the assignment. Each elector so assigned shall be notified of that fact prior to the election by notice mailed by the board of elections, in such manner as it determines, prior to the election. 6635
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(3) The board of elections shall publish a notice of the election, in one or more newspapers of general circulation in the subdivision, at least once no later than ten days prior to the election. The notice shall state all of the following: 6644
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(a) The principal amount of the proposed bond issue; 6648

(b) The stated purpose for which the bonds are to be issued; 6649

(c) The maximum number of years over which the principal of the bonds may be paid; 6650
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(d) The estimated additional average annual property tax levy, expressed in cents or dollars and cents for each one hundred 6652
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dollars of tax valuation and in mills for each one dollar of tax valuation, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;

(e) The first calendar year in which the tax is expected to be due.

(F)(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable:

(a) "Shall bonds be issued by the (name of subdivision) for the purpose of (purpose of the bond issue) in the principal amount of (principal amount of the bond issue), to be repaid annually over a maximum period of (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue (number of mills) mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars of tax valuation, commencing in (first year the tax will be levied), first due in calendar year (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	For the bond issue
	Against the bond issue

"
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(b) In the case of an election held pursuant to legislation adopted under section 3375.43 or 3375.431 of the Revised Code:

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"Shall bonds be issued for (name of library) for 6684
the purpose of (purpose of the bond issue), in the 6685
principal amount of (amount of the bond issue) by 6686
..... (the name of the subdivision that is to issue the bonds 6687
and levy the tax) as the issuer of the bonds, to be repaid 6688
annually over a maximum period of (the maximum number 6689
of years over which the principal of the bonds may be paid) years, 6690
and an annual levy of property taxes be made outside the ten-mill 6691
limitation, estimated by the county auditor to average over the 6692
repayment period of the bond issue (number of mills) 6693
mills for each one dollar of tax valuation, which amounts to 6694
..... (rate expressed in cents or dollars and cents, such as 6695
"36 cents" or "\$1.41") for each one hundred dollars of tax 6696
valuation, commencing in (first year the tax will be 6697
levied), first due in calendar year (first calendar 6698
year in which the tax shall be due), to pay the annual debt 6699
charges on the bonds, and to pay debt charges on any notes issued 6700
in anticipation of those bonds? 6701

	For the bond issue
	Against the bond issue

"

(2) The purpose for which the bonds are to be issued shall be 6706
printed in the space indicated, in boldface type. 6707

(G) The board of elections shall promptly certify the results 6708
of the election to the tax commissioner, the county auditor of 6709
each county in which any part of the subdivision is located, and 6710
the fiscal officer of the subdivision. The election, including the 6711
proceedings for and result of the election, is incontestable other 6712
than in a contest filed under section 3515.09 of the Revised Code 6713
in which the plaintiff prevails. 6714

(H) If a majority of the electors voting upon the question
vote for it, the taxing authority of the subdivision may proceed
under sections 133.21 to 133.33 of the Revised Code with the
issuance of the securities and with the levy and collection of a
property tax outside the tax limitation during the period the
securities are outstanding sufficient in amount to pay the debt
charges on the securities, including debt charges on any
anticipatory securities required to be paid from that tax. If
legislation passed under section 133.22 or 133.23 of the Revised
Code authorizing those securities is filed with the county auditor
on or before the last day of November, the amount of the voted
property tax levy required to pay debt charges or estimated debt
charges on the securities payable in the following year shall if
requested by the taxing authority be included in the taxes levied
for collection in the following year under section 319.30 of the
Revised Code.

(I)(1) If, before any securities authorized at an election
under this section are issued, the net indebtedness of the
subdivision exceeds that applicable to that subdivision or those
securities, then and so long as that is the case none of the
securities may be issued.

(2) No securities authorized at an election under this
section may be initially issued after the first day of the sixth
January following the election, but this period of limitation
shall not run for any time during which any part of the permanent
improvement for which the securities have been authorized, or the
issuing or validity of any part of the securities issued or to be
issued, or the related proceedings, is involved or questioned
before a court or a commission or other tribunal, administrative
agency, or board.

(3) Securities representing a portion of the amount
authorized at an election that are issued within the applicable

limitation on net indebtedness are valid and in no manner affected 6747
by the fact that the balance of the securities authorized cannot 6748
be issued by reason of the net indebtedness limitation or lapse of 6749
time. 6750

(4) Nothing in this division (I) shall be interpreted or 6751
applied to prevent the issuance of securities in an amount to fund 6752
or refund anticipatory securities lawfully issued. 6753

(5) The limitations of divisions (I)(1) and (2) of this 6754
section do not apply to any securities authorized at an election 6755
under this section if at least ten per cent of the principal 6756
amount of the securities, including anticipatory securities, 6757
authorized has theretofore been issued, or if the securities are 6758
to be issued for the purpose of participating in any federally or 6759
state-assisted program. 6760

(6) The certificate of the fiscal officer of the subdivision 6761
is conclusive proof of the facts referred to in this division. 6762

Sec. 141.08. The chief justice of the supreme court shall 6763
receive ~~his~~ the actual and necessary expenses incurred while 6764
performing ~~his~~ official duties under the law and the constitution 6765
in determining the disqualification or disability of any judge of 6766
the court of common pleas or of the court of appeals, to be paid 6767
from the state treasury upon the warrant of the ~~auditor of state~~ 6768
director of budget and management. 6769

Sec. 141.10. (A) In addition to the annual salary and 6770
expenses provided for in sections 141.04 and 2501.15 of the 6771
Revised Code, each judge of a court of appeals who holds court in 6772
a county in which ~~he~~ the judge does not reside shall receive ~~his~~ 6773
the judge's actual and necessary expenses incurred while so 6774
holding court. Those expenses shall be paid by the treasurer of 6775
state upon the warrant of the ~~auditor of state~~ director of budget 6776

and management. 6777

(B) In addition to the annual salary and expenses provided 6778
for in sections 141.04 and 2501.15 of the Revised Code, each judge 6779
of a court of appeals who is assigned by the chief justice of the 6780
supreme court to aid in disposing of business of a district other 6781
than that in which ~~he~~ the judge is elected or appointed, shall 6782
receive fifty dollars per day for each day of the assignment. The 6783
per diem compensation shall be paid from the treasury of the 6784
county to which the judge is so assigned upon the warrant of the 6785
auditor of that county. 6786

Sec. 145.70. All amounts due the public employees retirement 6787
system from the state treasury pursuant to this chapter shall be 6788
promptly paid upon warrant of the ~~auditor of state~~ director of 6789
budget and management pursuant to a voucher approved by the 6790
director ~~of budget and management.~~ 6791

Sec. 173.14. As used in sections 173.14 to ~~173.26~~ 173.27 of 6792
the Revised Code: 6793

(A)(1) Except as otherwise provided in division (A)(2) of 6794
this section, "long-term care facility" includes any residential 6795
facility that provides personal care services for more than 6796
twenty-four hours for two or more unrelated adults, including all 6797
of the following: 6798

(a) A "nursing home," "residential care facility," or "home 6799
for the aging" as defined in section 3721.01 of the Revised Code; 6800

(b) A facility authorized to provide extended care services 6801
under Title XVIII of the "Social Security Act," 49 Stat. 620 6802
(1935), 42 U.S.C. 301, as amended; 6803

(c) A county home or district home operated pursuant to 6804
Chapter 5155. of the Revised Code; 6805

(d) An "adult care facility" as defined in section 3722.01 of the Revised Code; 6806
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(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 6808
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(f) An adult foster home certified under section 173.36 of the Revised Code. 6812
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(2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code. 6814
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(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility. 6818
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(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in community care settings, and includes any of the following: 6821
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- (1) Case management; 6824
- (2) Home health care; 6825
- (3) Homemaker services; 6826
- (4) Chore services; 6827
- (5) Respite care; 6828
- (6) Adult day care; 6829
- (7) Home-delivered meals; 6830
- (8) Personal care; 6831
- (9) Physical, occupational, and speech therapy; 6832
- (10) Transportation; 6833

(11) Any other health and social services provided to persons 6834
that allow them to retain their independence in their own homes or 6835
in community care settings. 6836

(D) "Recipient" means a recipient of community-based 6837
long-term care services and, where appropriate, includes a 6838
prospective, previous, or deceased recipient of community-based 6839
long-term care services. 6840

(E) "Sponsor" means an adult relative, friend, or guardian 6841
who has an interest in or responsibility for the welfare of a 6842
resident or a recipient. 6843

(F) "Personal care services" has the same meaning as in 6844
section 3721.01 of the Revised Code. 6845

(G) "Regional long-term care ombudsperson program" means an 6846
entity, either public or private and nonprofit, designated as a 6847
regional long-term care ombudsperson program by the state 6848
long-term care ombudsperson. 6849

(H) "Representative of the office of the state long-term care 6850
ombudsperson program" means the state long-term care ombudsperson 6851
or a member of the ombudsperson's staff, or a person certified as 6852
a representative of the office under section 173.21 of the Revised 6853
Code. 6854

(I) "Area agency on aging" means an area agency on aging 6855
established under the "Older Americans Act of 1965," 79 Stat. 219, 6856
42 U.S.C.A. 3001, as amended. 6857

Sec. 173.27. (A) As used in this section: 6858

(1) "Applicant" means a person who is under final 6859
consideration for employment with the office of the state 6860
long-term care ombudsperson program in a full-time, part-time, or 6861
temporary position that involves providing ombudsperson services 6862
to residents and recipients. "Applicant" includes a person who is 6863

under final consideration for employment as the state long-term care ombudsperson or the head of a regional long-term care ombudsperson program. "Applicant" does not include a person who provides ombudsperson services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(B)(1) The state long-term care ombudsperson or the ombudsperson's designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each applicant. However, if the applicant is under final consideration for employment as the state long-term care ombudsperson, the director of aging shall request that the superintendent conduct the criminal records check. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the ombudsperson, designee, or director shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the ombudsperson, designee, or director may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A person required by division (B)(1) of this section to

request a criminal records check shall do both of the following: 6896

(a) Provide to each applicant for whom a criminal records check request is required under that division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section, and obtain the completed form and impression sheet from the applicant; 6897
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(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. 6903
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(3) An applicant provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions shall not be employed in any position for which a criminal records check is required by this section. 6906
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(C)(1) Except as provided in rules adopted by the director of aging in accordance with division (F) of this section and subject to division (C)(2) of this section, the office of the state long-term care ombudsperson may not employ a person in a position that involves providing ombudsperson services to residents and recipients if the person has been convicted of or pleaded guilty to any of the following: 6911
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code. 6918
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(b) A violation of an existing or former law of this state, 6927
any other state, or the United States that is substantially 6928
equivalent to any of the offenses listed in division (C)(1)(a) of 6929
this section. 6930

(2)(a) The office of the state long-term care ombudsperson 6931
program may employ conditionally an applicant for whom a criminal 6932
records check request is required under division (B) of this 6933
section prior to obtaining the results of a criminal records check 6934
regarding the individual, provided that the state long-term care 6935
ombudsperson, ombudsperson's designee, or director of aging shall 6936
request a criminal records check regarding the individual in 6937
accordance with division (B)(1) of this section not later than 6938
five business days after the individual begins conditional 6939
employment. 6940

(b) The office of the state long-term care ombudsperson 6941
program shall terminate the employment of an individual employed 6942
conditionally under division (C)(2)(a) of this section if the 6943
results of the criminal records check request under division (B) 6944
of this section, other than the results of any request for 6945
information from the federal bureau of investigation, are not 6946
obtained within the period ending sixty days after the date the 6947
request is made. Regardless of when the results of the criminal 6948
records check are obtained, if the results indicate that the 6949
individual has been convicted of or pleaded guilty to any of the 6950
offenses listed or described in division (C)(1) of this section, 6951
the office shall terminate the individual's employment unless the 6952
office chooses to employ the individual pursuant to division (F) 6953
of this section. Termination of employment under this division 6954
shall be considered just cause for discharge for purposes of 6955
division (D)(2) of section 4141.29 of the Revised Code if the 6956
individual makes any attempt to deceive the office about the 6957
individual's criminal record. 6958

(D)(1) The office of the state long-term care ombudsperson program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section. 6959
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(2) The office of the state long-term care ombudsperson program may charge an applicant a fee not exceeding the amount the office pays under division (D)(1) of this section. The office may collect a fee only if the office notifies the applicant at the time of initial application for employment of the amount of the fee. 6965
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(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 6971
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(1) The individual who is the subject of the criminal records check or the individual's representative; 6976
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(2) The state long-term care ombudsperson, ombudsperson's designee, director of health, or the ombudsperson, designee, or director's representative; 6978
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(3) If the state long-term care ombudsperson designates the head or other employee of a regional long-term care ombudsperson program to request a criminal records check under this section, a representative of the office of the state long-term care ombudsperson program who is responsible for monitoring the regional program's compliance with this section; 6981
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(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of 6987
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the applicant. 6990

(F) The director of aging shall adopt rules in accordance 6991
with Chapter 119. of the Revised Code to implement this section. 6992
The rules shall specify circumstances under which the office of 6993
the state long-term care ombudsperson program may employ a person 6994
who has been convicted of or pleaded guilty to an offense listed 6995
or described in division (C)(1) of this section but meets personal 6996
character standards set by the director. 6997

(G) The office of the state long-term care ombudsperson 6998
program shall inform each person, at the time of initial 6999
application for a position that involves providing ombudsperson 7000
services to residents and recipients, that the person is required 7001
to provide a set of fingerprint impressions and that a criminal 7002
records check is required to be conducted if the person comes 7003
under final consideration for employment. 7004

(H) In a tort or other civil action for damages that is 7005
brought as the result of an injury, death, or loss to person or 7006
property caused by an individual who the office of the state 7007
long-term care ombudsperson program employs in a position that 7008
involves providing ombudsperson services to residents and 7009
recipients, all of the following shall apply: 7010

(1) If the office employed the individual in good faith and 7011
reasonable reliance on the report of a criminal records check 7012
requested under this section, the office shall not be found 7013
negligent solely because of its reliance on the report, even if 7014
the information in the report is determined later to have been 7015
incomplete or inaccurate. 7016

(2) If the office employed the individual in good faith on a 7017
conditional basis pursuant to division (C)(2) of this section, the 7018
office shall not be found negligent solely because it employed the 7019
individual prior to receiving the report of a criminal records 7020

check requested under this section. 7021

(3) If the office in good faith employed the individual 7022
according to the personal character standards established in rules 7023
adopted under division (F) of this section, the office shall not 7024
be found negligent solely because the individual prior to being 7025
employed had been convicted of or pleaded guilty to an offense 7026
listed or described in division (C)(1) of this section. 7027

Sec. 173.39. (A) As used in sections 173.39 to ~~173.393~~ 7028
173.394 of the Revised Code, "community-based: 7029

(1) "Community-based long-term care agency" means a person or 7030
government entity that provides community-based long-term care 7031
services under a program the department of aging administers, 7032
regardless of whether the person or government entity is certified 7033
under section 173.391 or authorized to receive payment for the 7034
services from the department under section 173.392 of the Revised 7035
Code. "Community-based long-term care agency" includes a person or 7036
government entity that provides home and community-based services 7037
to older adults through the PASSPORT program created under section 7038
173.40 of the Revised Code. 7039

(2) "Community-based long-term care services" has the same 7040
meaning as in section 173.14 of the Revised Code. 7041

(B) Except as provided in section 173.392 of the Revised 7042
Code, the department of aging may not pay a person or government 7043
entity for providing community-based long-term care services under 7044
a program the department administers unless the person or 7045
government entity is certified under section 173.391 of the 7046
Revised Code and provides the services. 7047

Sec. 173.391. (A) The department of aging or its designee 7048
shall do all of the following in accordance with Chapter 119. of 7049
the Revised Code: 7050

(1) Certify a person or government entity to provide 7051
community-based long-term care services under a program the 7052
department administers if the person or government entity 7053
satisfies the requirements for certification established by rules 7054
adopted under division (B) of this section; 7055

(2) When required to do so by rules adopted under division 7056
(B) of this section, take one or more of the following 7057
disciplinary actions against a person or government entity issued 7058
a certificate under division (A)(1) of this section: 7059

(a) Issue a written warning; 7060

(b) Require the submission of a plan of correction; 7061

(c) Suspend referrals; 7062

(d) Remove clients; 7063

(e) Impose a fiscal sanction such as a civil monetary penalty 7064
or an order that unearned funds be repaid; 7065

(f) Revoke the certificate; 7066

(g) Impose another sanction. 7067

(3) Hold hearings when there is a dispute between the 7068
department or its designee and a person or government entity 7069
concerning actions the department or its designee takes or does 7070
not take under division (A)(1) or (2)(c) to (g) of this section. 7071

(B) The director of aging shall adopt rules in accordance 7072
with Chapter 119. of the Revised Code establishing certification 7073
requirements and standards for determining which type of 7074
disciplinary action to take under division (A)(2) of this section 7075
in individual situations. The rules shall establish procedures for 7076
all of the following: 7077

(1) Ensuring that ~~PASSPORT~~ community-based long-term care 7078
~~agencies, as defined in section 173.41 of the Revised Code,~~ comply 7079

with ~~that~~ section 173.394 of the Revised Code; 7080

(2) Evaluating the services provided to ensure that they are 7081
provided in a quality manner advantageous to the individual 7082
receiving the services; 7083

(3) Determining when to take disciplinary action under 7084
division (A)(2) of this section and which disciplinary action to 7085
take. 7086

(C) The procedures established in rules adopted under 7087
division (B)(2) of this section shall require that all of the 7088
following be considered as part of an evaluation: 7089

(1) The service provider's experience and financial 7090
responsibility; 7091

(2) The service provider's ability to comply with standards 7092
for the community-based long-term care services that the provider 7093
provides under a program the department administers; 7094

(3) The service provider's ability to meet the needs of the 7095
individuals served; 7096

(4) Any other factor the director considers relevant. 7097

(D) The rules adopted under division (B)(3) of this section 7098
shall specify that the reasons disciplinary action may be taken 7099
under division (A)(2) of this section include good cause, 7100
including misfeasance, malfeasance, nonfeasance, confirmed abuse 7101
or neglect, financial irresponsibility, or other conduct the 7102
director determines is injurious to the health or safety of 7103
individuals being served. 7104

Sec. ~~173.41~~ 173.394. (A) As used in this section: 7105

(1) "Applicant" means a person who is under final 7106
consideration for employment with a ~~PASSPORT~~ community-based 7107
long-term care agency in a full-time, part-time, or temporary 7108

position that involves providing direct care to an ~~elder adult~~ 7109
individual. "Applicant" does not include a person who provides 7110
direct care as a volunteer without receiving or expecting to 7111
receive any form of remuneration other than reimbursement for 7112
actual expenses. 7113

(2) "Criminal records check" ~~and "elder adult" have~~ has the 7114
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 7115

~~(3) "PASSPORT agency" means a public or private entity that 7116
provides home and community based services to older adults through 7117
the PASSPORT program created under section 173.40 of the Revised 7118
Code. 7119~~

(B)(1) Except as provided in division (I) of this section, 7120
the chief administrator of a PASSPORT community-based long-term 7121
care agency shall request that the superintendent of the bureau of 7122
criminal identification and investigation conduct a criminal 7123
records check with respect to each applicant. If an applicant for 7124
whom a criminal records check request is required under this 7125
division does not present proof of having been a resident of this 7126
state for the five-year period immediately prior to the date the 7127
criminal records check is requested or provide evidence that 7128
within that five-year period the superintendent has requested 7129
information about the applicant from the federal bureau of 7130
investigation in a criminal records check, the chief administrator 7131
shall request that the superintendent obtain information from the 7132
federal bureau of investigation as part of the criminal records 7133
check of the applicant. Even if an applicant for whom a criminal 7134
records check request is required under this division presents 7135
proof of having been a resident of this state for the five-year 7136
period, the chief administrator may request that the 7137
superintendent include information from the federal bureau of 7138
investigation in the criminal records check. 7139

(2) A person required by division (B)(1) of this section to 7140

request a criminal records check shall do both of the following: 7141

(a) Provide to each applicant for whom a criminal records 7142
check request is required under that division a copy of the form 7143
prescribed pursuant to division (C)(1) of section 109.572 of the 7144
Revised Code and a standard fingerprint impression sheet 7145
prescribed pursuant to division (C)(2) of that section, and obtain 7146
the completed form and impression sheet from the applicant; 7147

(b) Forward the completed form and impression sheet to the 7148
superintendent of the bureau of criminal identification and 7149
investigation. 7150

(3) An applicant provided the form and fingerprint impression 7151
sheet under division (B)(2)(a) of this section who fails to 7152
complete the form or provide fingerprint impressions shall not be 7153
employed in any position for which a criminal records check is 7154
required by this section. 7155

(C)(1) Except as provided in rules adopted by the department 7156
of aging in accordance with division (F) of this section and 7157
subject to division (C)(2) of this section, no ~~PASSPORT~~ 7158
community-based long-term care agency shall employ a person in a 7159
position that involves providing direct care to an ~~elder adult~~ 7160
individual if the person has been convicted of or pleaded guilty 7161
to any of the following: 7162

(a) A violation of section 2903.01, 2903.02, 2903.03, 7163
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7164
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7165
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7166
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 7167
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 7168
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 7169
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 7170
2925.22, 2925.23, or 3716.11 of the Revised Code. 7171

(b) A violation of an existing or former law of this state, 7172
any other state, or the United States that is substantially 7173
equivalent to any of the offenses listed in division (C)(1)(a) of 7174
this section. 7175

(2)(a) A ~~PASSPORT~~ community-based long-term care agency may 7176
employ conditionally an applicant for whom a criminal records 7177
check request is required under division (B) of this section prior 7178
to obtaining the results of a criminal records check regarding the 7179
individual, provided that the agency shall request a criminal 7180
records check regarding the individual in accordance with division 7181
(B)(1) of this section not later than five business days after the 7182
individual begins conditional employment. In the circumstances 7183
described in division (I)(2) of this section, a ~~PASSPORT~~ 7184
community-based long-term care agency may employ conditionally an 7185
applicant who has been referred to the ~~PASSPORT~~ agency by an 7186
employment service that supplies full-time, part-time, or 7187
temporary staff for positions involving the direct care of ~~elder~~ 7188
~~adults~~ individuals and for whom, pursuant to that division, a 7189
criminal records check is not required under division (B) of this 7190
section. 7191

(b) A ~~PASSPORT~~ community-based long-term care agency that 7192
employs an individual conditionally under authority of division 7193
(C)(2)(a) of this section shall terminate the individual's 7194
employment if the results of the criminal records check request 7195
under division (B) of this section or described in division (I)(2) 7196
of this section, other than the results of any request for 7197
information from the federal bureau of investigation, are not 7198
obtained within the period ending sixty days after the date the 7199
request is made. Regardless of when the results of the criminal 7200
records check are obtained, if the results indicate that the 7201
individual has been convicted of or pleaded guilty to any of the 7202
offenses listed or described in division (C)(1) of this section, 7203

the agency shall terminate the individual's employment unless the 7204
agency chooses to employ the individual pursuant to division (F) 7205
of this section. Termination of employment under this division 7206
shall be considered just cause for discharge for purposes of 7207
division (D)(2) of section 4141.29 of the Revised Code if the 7208
individual makes any attempt to deceive the agency about the 7209
individual's criminal record. 7210

(D)(1) Each ~~PASSPORT~~ community-based long-term care agency 7211
shall pay to the bureau of criminal identification and 7212
investigation the fee prescribed pursuant to division (C)(3) of 7213
section 109.572 of the Revised Code for each criminal records 7214
check conducted pursuant to a request made under division (B) of 7215
this section. 7216

(2) A ~~PASSPORT~~ community-based long-term care agency may 7217
charge an applicant a fee not exceeding the amount the agency pays 7218
under division (D)(1) of this section. An agency may collect a fee 7219
only if both of the following apply: 7220

(a) The agency notifies the person at the time of initial 7221
application for employment of the amount of the fee and that, 7222
unless the fee is paid, the person will not be considered for 7223
employment; 7224

(b) The ~~medical assistance~~ medicaid program established under 7225
Chapter 5111. of the Revised Code does not reimburse the agency 7226
the fee it pays under division (D)(1) of this section. 7227

(E) The report of any criminal records check conducted 7228
pursuant to a request made under this section is not a public 7229
record for the purposes of section 149.43 of the Revised Code and 7230
shall not be made available to any person other than the 7231
following: 7232

(1) The individual who is the subject of the criminal records 7233
check or the individual's representative; 7234

- (2) The chief administrator of the agency requesting the criminal records check or the administrator's representative; 7235
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- (3) The administrator of any other facility, agency, or program that provides direct care to ~~elder-adults~~ individuals that is owned or operated by the same entity that owns or operates the ~~PASSPORT~~ community-based long-term care agency; 7237
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- (4) The director of aging or a person authorized by the director to monitor a community-based long-term care agency's compliance with this section; 7241
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- (5) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 7244
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- ~~(5)~~(6) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section. 7248
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- (F) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 7250
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The rules shall specify circumstances under which a ~~PASSPORT~~ community-based long-term care agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department. 7252
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- (G) The chief administrator of a ~~PASSPORT~~ community-based long-term care agency shall inform each person, at the time of initial application for a position that involves providing direct care to an ~~elder-adult~~ individual, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment. 7257
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- (H) In a tort or other civil action for damages that is 7264

brought as the result of an injury, death, or loss to person or
property caused by an individual who a ~~PASSPORT~~ community-based
long-term care agency employs in a position that involves
providing direct care to ~~elder adults~~ individuals, all of the
following shall apply:

(1) If the agency employed the individual in good faith and
reasonable reliance on the report of a criminal records check
requested under this section, the agency shall not be found
negligent solely because of its reliance on the report, even if
the information in the report is determined later to have been
incomplete or inaccurate;

(2) If the agency employed the individual in good faith on a
conditional basis pursuant to division (C)(2) of this section, the
agency shall not be found negligent solely because it employed the
individual prior to receiving the report of a criminal records
check requested under this section;

(3) If the agency in good faith employed the individual
according to the personal character standards established in rules
adopted under division (F) of this section, the agency shall not
be found negligent solely because the individual prior to being
employed had been convicted of or pleaded guilty to an offense
listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a ~~PASSPORT~~ community-based
long-term care agency is not required to request that the
superintendent of the bureau of criminal identification and
investigation conduct a criminal records check of an applicant if
the applicant has been referred to the agency by an employment
service that supplies full-time, part-time, or temporary staff for
positions involving the direct care of ~~elder adults~~ individuals
and both of the following apply:

(a) The chief administrator receives from the employment

service or the applicant a report of the results of a criminal 7296
records check regarding the applicant that has been conducted by 7297
the superintendent within the one-year period immediately 7298
preceding the applicant's referral; 7299

(b) The report of the criminal records check demonstrates 7300
that the person has not been convicted of or pleaded guilty to an 7301
offense listed or described in division (C)(1) of this section, or 7302
the report demonstrates that the person has been convicted of or 7303
pleaded guilty to one or more of those offenses, but the ~~PASSPORT~~ 7304
community-based long-term care agency chooses to employ the 7305
individual pursuant to division (F) of this section. 7306

(2) The chief administrator of a ~~PASSPORT~~ community-based 7307
long-term care agency is not required to request that the 7308
superintendent of the bureau of criminal identification and 7309
investigation conduct a criminal records check of an applicant and 7310
may employ the applicant conditionally as described in this 7311
division, if the applicant has been referred to the agency by an 7312
employment service that supplies full-time, part-time, or 7313
temporary staff for positions involving the direct care of ~~elder~~ 7314
~~adults~~ individuals and if the chief administrator receives from 7315
the employment service or the applicant a letter from the 7316
employment service that is on the letterhead of the employment 7317
service, dated, and signed by a supervisor or another designated 7318
official of the employment service and that states that the 7319
employment service has requested the superintendent to conduct a 7320
criminal records check regarding the applicant, that the requested 7321
criminal records check will include a determination of whether the 7322
applicant has been convicted of or pleaded guilty to any offense 7323
listed or described in division (C)(1) of this section, that, as 7324
of the date set forth on the letter, the employment service had 7325
not received the results of the criminal records check, and that, 7326
when the employment service receives the results of the criminal 7327

records check, it promptly will send a copy of the results to the 7328
PASSPORT community-based long-term care agency. If a PASSPORT 7329
community-based long-term care agency employs an applicant 7330
conditionally in accordance with this division, the employment 7331
service, upon its receipt of the results of the criminal records 7332
check, promptly shall send a copy of the results to the PASSPORT 7333
community-based long-term care agency, and division (C)(2)(b) of 7334
this section applies regarding the conditional employment. 7335

Sec. 184.20. ~~(A)~~ A member of the third frontier commission or 7336
a member of the third frontier advisory board shall not ~~do either~~ 7337
~~of the following:~~ 7338

~~(1) Receive receive support under section 184.11 of the~~ 7339
~~Revised Code;~~ 7340

~~(2) Receive any financial gain from an entity that is awarded~~ 7341
~~support under section 184.11 of the Revised Code if that financial~~ 7342
~~gain is directly related to, or is the direct result of, the~~ 7343
~~awarding of such support.~~ 7344

~~(B)~~ A member who violates ~~division (A)~~ of this section shall 7345
forfeit the support ~~or financial gain~~ received and shall pay the 7346
amount forfeited to the third frontier commission. 7347

Sec. 307.76. The board of county commissioners may maintain 7348
and operate a zoological park, ~~or it may contract with or~~ 7349
~~contribute to any nonprofit corporation organized or a facility to~~ 7350
encourage the study of and promote the sciences ~~of~~ and natural 7351
history, ~~to~~ and may contract with or contribute to nonprofit 7352
corporations to develop, maintain, and operate such a facility or 7353
a zoological park, ~~to develop such park, and to provide including~~ 7354
providing for the acquisition, disposition, and care of the 7355
animals to be exhibited ~~therein~~ in the park. 7356

Sec. 319.301. (A) This section does not apply to any of the 7357
following: 7358

(1) Taxes levied at whatever rate is required to produce a 7359
specified amount of tax money, including a tax levied under 7360
section 5705.211 of the Revised Code, or an amount to pay debt 7361
charges; 7362

(2) Taxes levied within the one per cent limitation imposed 7363
by Section 2 of Article XII, Ohio Constitution; 7364

(3) Taxes provided for by the charter of a municipal 7365
corporation. 7366

(B) As used in this section: 7367

(1) "Real property" includes real property owned by a 7368
railroad. 7369

(2) "Carryover property" means all real property on the 7370
current year's tax list except: 7371

(a) Land and improvements that were not taxed by the district 7372
in both the preceding year and the current year; 7373

(b) Land and improvements that were not in the same class in 7374
both the preceding year and the current year. 7375

(3) "Effective tax rate" means with respect to each class of 7376
property: 7377

(a) The sum of the total taxes that would have been charged 7378
and payable for current expenses against real property in that 7379
class if each of the district's taxes were reduced for the current 7380
year under division (D)(1) of this section without regard to the 7381
application of division (E)(3) of this section divided by 7382

(b) The taxable value of all real property in that class. 7383

(4) "Taxes charged and payable" means the taxes charged and 7384
payable prior to any reduction required by section 319.302 of the 7385

Revised Code. 7386

(C) The tax commissioner shall make the determinations 7387
required by this section each year, without regard to whether a 7388
taxing district has territory in a county to which section 5715.24 7389
of the Revised Code applies for that year. Separate determinations 7390
shall be made for each of the two classes established pursuant to 7391
section 5713.041 of the Revised Code. 7392

(D) With respect to each tax authorized to be levied by each 7393
taxing district, the tax commissioner, annually, shall do both of 7394
the following: 7395

(1) Determine by what percentage, if any, the sums levied by 7396
such tax against the carryover property in each class would have 7397
to be reduced for the tax to levy the same number of dollars 7398
against such property in that class in the current year as were 7399
charged against such property by such tax in the preceding year 7400
subsequent to the reduction made under this section but before the 7401
reduction made under section 319.302 of the Revised Code. In the 7402
case of a tax levied for the first time that is not a renewal of 7403
an existing tax, the commissioner shall determine by what 7404
percentage the sums that would otherwise be levied by such tax 7405
against carryover property in each class would have to be reduced 7406
to equal the amount that would have been levied if the full rate 7407
thereof had been imposed against the total taxable value of such 7408
property in the preceding tax year. A tax or portion of a tax that 7409
is designated a replacement levy under section 5705.192 of the 7410
Revised Code is not a renewal of an existing tax for purposes of 7411
this division. 7412

(2) Certify each percentage determined in division (D)(1) of 7413
this section, as adjusted under division (E) of this section, and 7414
the class of property to which that percentage applies to the 7415
auditor of each county in which the district has territory. The 7416

auditor, after complying with section 319.30 of the Revised Code, 7417
shall reduce the sum to be levied by such tax against each parcel 7418
of real property in the district by the percentage so certified 7419
for its class. Certification shall be made by the first day of 7420
September except in the case of a tax levied for the first time, 7421
in which case certification shall be made within fifteen days of 7422
the date the county auditor submits the information necessary to 7423
make the required determination. 7424

(E)(1) As used in division (E)(2) of this section, "pre-1982 7425
joint vocational taxes" means, with respect to a class of 7426
property, the difference between the following amounts: 7427

(a) The taxes charged and payable in tax year 1981 against 7428
the property in that class for the current expenses of the joint 7429
vocational school district of which the school district is a part 7430
after making all reductions under this section; 7431

(b) The following percentage of the taxable value of all real 7432
property in that class: 7433

(i) In 1987, five one-hundredths of one per cent; 7434

(ii) In 1988, one-tenth of one per cent; 7435

(iii) In 1989, fifteen one-hundredths of one per cent; 7436

(iv) In 1990 and each subsequent year, two-tenths of one per 7437
cent. 7438

If the amount in division (E)(1)(b) of this section exceeds 7439
the amount in division (E)(1)(a) of this section, the pre-1982 7440
joint vocational taxes shall be zero. 7441

As used in divisions (E)(2) and (3) of this section, "taxes 7442
charged and payable" has the same meaning as in division (B)(4) of 7443
this section and excludes any tax charged and payable in 1985 or 7444
thereafter under sections 5705.194 to 5705.197 or section 5705.213 7445
of the Revised Code. 7446

(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:

(a) The sum of the rates at which those taxes are authorized to be levied;

(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.

(3)(a) If in the case of a joint vocational school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses for that class to be less than the designated amount, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses for that class, after all reductions that would otherwise be made under this section, to equal the designated amount. The auditor shall use such percentages in making the reductions required by this section for that class.

(b) As used in division (E)(3)(a) of this section, the designated amount shall equal the taxable value of all real property in the class that is subject to taxation by the district times the lesser of the following:

(i) Two-tenths of one per cent;	7478
(ii) The district's effective rate plus the following	7479
percentage for the year indicated:	7480
WHEN COMPUTING THE	7481
TAXES CHARGED FOR	7482
1987	0.025% 7483
1988	0.05% 7484
1989	0.075% 7485
1990	0.1% 7486
1991	0.125% 7487
1992	0.15% 7488
1993	0.175% 7489
1994 and thereafter	0.2% 7490
(F) No reduction shall be made under this section in the rate	7491
at which any tax is levied.	7492
(G) The commissioner may order a county auditor to furnish	7493
any information he <u>the commissioner</u> needs to make the	7494
determinations required under division (D) or (E) of this section,	7495
and the auditor shall supply the information in the form and by	7496
the date specified in the order. If the auditor fails to comply	7497
with an order issued under this division, except for good cause as	7498
determined by the commissioner, the commissioner shall withhold	7499
from such county or taxing district therein fifty per cent of	7500
state revenues to local governments pursuant to section 5747.50 of	7501
the Revised Code or shall direct the department of education to	7502
withhold therefrom fifty per cent of state revenues to school	7503
districts pursuant to Chapter 3317. of the Revised Code. The	7504
commissioner shall withhold the distribution of such revenues	7505
until the county auditor has complied with this division, and the	7506
department shall withhold the distribution of such revenues until	7507
the commissioner has notified the department that the county	7508
auditor has complied with this division.	7509

(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, ~~he~~ the commissioner may compute and certify an estimated tax reduction factor for that district for that class. The estimated factor shall be based upon an estimate of the unavailable information. Upon receipt of the actual information for a taxing district that received an estimated tax reduction factor, the commissioner shall compute the actual tax reduction factor and use that factor to compute the taxes that should have been charged and payable against each parcel of property for the year for which the estimated reduction factor was used. The amount by which the estimated factor resulted in an overpayment or underpayment in taxes on any parcel shall be added to or subtracted from the amount due on that parcel in the ensuing tax year.

A percentage or a tax reduction factor determined or computed by the commissioner under this section shall be used solely for the purpose of reducing the sums to be levied by the tax to which it applies for the year for which it was determined or computed. It shall not be used in making any tax computations for any ensuing tax year.

(I) In making the determinations under division (D)(1) of this section, the tax commissioner shall take account of changes in the taxable value of carryover property resulting from complaints filed under section 5715.19 of the Revised Code for determinations made for the tax year in which such changes are reported to the commissioner. Such changes shall be reported to the commissioner on the first abstract of real property filed with the commissioner under section 5715.23 of the Revised Code following the date on which the complaint is finally determined by

the board of revision or by a court or other authority with 7542
jurisdiction on appeal. The tax commissioner shall account for 7543
such changes in making the determinations only for the tax year in 7544
which the change in valuation is reported. Such a valuation change 7545
shall not be used to recompute the percentages determined under 7546
division (D)(1) of this section for any prior tax year. 7547

Sec. 333.01. As used in this chapter: 7548

(A) "County sales and use tax" means the tax levied by a 7549
county under division (A) of section 5739.021 or division (A) of 7550
section 5741.021 of the Revised Code that is returned or 7551
distributed to the county under section 5739.21 or 5741.03 of the 7552
Revised Code. 7553

(B) "Impact facility" means a permanent structure, including 7554
all interior or exterior square footage used for educational or 7555
exhibition activities, that meets all of the following criteria: 7556

(1) It is used for the sale of tangible personal property or 7557
services; 7558

(2) At least ten per cent of the facility's total square 7559
footage is dedicated to educational or exhibition activities; 7560

(3) At least fifty million dollars is invested in land, 7561
buildings, infrastructure, and equipment for the facility at the 7562
site of the facility over a period of not more than two years; 7563

(4) An annualized average of at least one hundred fifty new 7564
full-time equivalent positions will be created and maintained at 7565
the facility; 7566

(5) More than fifty per cent of the visitors to the facility 7567
are reasonably anticipated to live at least one hundred miles from 7568
the facility. 7569

(C) "Qualifying investment" means a person's investment in 7570

land, buildings, infrastructure, and equipment for creating an 7571
impact facility. 7572

(D) "Full-time equivalent positions" means the total number 7573
of hours worked at a facility in a work week, divided by forty 7574
hours per week. 7575

Sec. 333.02. Before December 1, 2006, a board of county 7576
commissioners of a county that levies a county sales and use tax 7577
may enter into an agreement with any person that proposes to 7578
construct an impact facility in the county to provide payments to 7579
that person of up to seventy-five per cent of the county sales and 7580
use tax collected on each retail sale made by that person at the 7581
facility, for a term of up to ten years, or until the person's 7582
qualifying investment in the impact facility has been realized 7583
through the payments, whichever occurs first. 7584

Sec. 333.03. (A) A person seeking to enter into an agreement 7585
and obtain payments under section 333.02 of the Revised Code shall 7586
provide both of the following to the board of county 7587
commissioners: 7588

(1) A certification by the person's chief financial officer, 7589
or the equivalent if that position does not exist, that the 7590
criteria listed in division (B) of section 333.01 of the Revised 7591
Code will be met; and 7592

(2) An application on a form or in a format acceptable to the 7593
board that describes the proposed impact facility, including the 7594
projected level of investment in and new jobs to be created at the 7595
facility, the rationale used for determining that more than fifty 7596
per cent of the facility's visitors live at least one hundred 7597
miles from the facility, the types of activities to be conducted 7598
at the facility, the projected levels of sales to occur at the 7599
facility, a calculation of the facility's square footage that will 7600

be dedicated to educational or exhibition activities, and any other information the board of county commissioners reasonably requests about the expected operations of the facility.

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(B) The board of county commissioners shall request the director of development to certify that the proposed facility meets the criteria for an impact facility listed in division (B) of section 333.01 of the Revised Code. The board of county commissioners may, but need not, make findings of fact that a proposed facility meets the criteria for an impact facility listed in division (B) of section 333.01 of the Revised Code before or after requesting the certification. If the director of development certifies a proposed facility as an impact facility under this section, and if the board makes such findings, the findings and certification are conclusive and not subject to reopening at any time.

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Sec. 333.04. (A) After review of the items submitted under division (A) of section 333.03 of the Revised Code, and after receipt of the certification from the director of development under division (B) of that section, a board of county commissioners, before December 1, 2006, may enter into an agreement under section 333.02 of the Revised Code, provided that the board has determined all of the following:

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(1) The proposed impact facility is economically sound;

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(2) Construction of the proposed impact facility has not begun prior to the day the agreement is entered into;

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(3) The impact facility will benefit the county by increasing employment opportunities and strengthening the local and regional economy; and

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(4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with

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construction of the impact facility. 7631

(B) An agreement entered into under this section shall 7632
include all of the following: 7633

(1) A description of the impact facility that is the subject 7634
of the agreement, including the existing investment level, if any, 7635
the proposed amount of investments, the scheduled starting and 7636
completion dates for the facility, and the number and type of 7637
full-time equivalent positions to be created at the facility; 7638

(2) The percentage of the county sales and use tax collected 7639
at the impact facility that will be used to make payments to the 7640
person entering into the agreement; 7641

(3) The term of the payments and the first calendar quarter 7642
in which the person may apply for a payment under section 333.06 7643
of the Revised Code; 7644

(4) A requirement that the amount of payments made to the 7645
person during the term established under division (B)(3) of this 7646
section shall not exceed the person's qualifying investment, and 7647
that all payments cease when that amount is reached; 7648

(5) A requirement that the person maintain operations at the 7649
impact facility for at least the term established under division 7650
(B)(3) of this section; 7651

(6) A requirement that the person annually certify to the 7652
board of county commissioners, on or before a date established by 7653
the board in the agreement, the level of investment in, the number 7654
of employees and type of full-time equivalent positions at, and 7655
the amount of county sales and use tax collected and remitted to 7656
the tax commissioner or treasurer of state from sales made at, the 7657
facility; 7658

(7) A provision stating that the creation of the proposed 7659
impact facility does not involve the relocation of more than ten 7660

full-time equivalent positions and two million dollars in taxable assets to the impact facility from another facility owned by the person, or a related member of the person, that is located in another political subdivision of this state, other than the political subdivision in which the impact facility is or will be located; 7661
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(8) A provision stating that the person will not relocate more than ten full-time equivalent positions and two million dollars in taxable assets to the impact facility from another facility in another political subdivision of this state during the term of the payments without the written approval of the director of development; 7667
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(9) A detailed explanation of how the person determined that more than fifty per cent of the visitors to the facility live at least one hundred miles from the facility. 7673
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(C) For purposes of this section, the transfer of a full-time equivalent position or taxable asset from another political subdivision in this state to the political subdivision in which the impact facility is or will be located shall be considered a relocation, unless the person refills the full-time equivalent position, or replaces the taxable asset with an asset of equal or greater taxable value, within six months after the transfer. The person may not receive a payment under this chapter for any year in which more than ten relocations occurred without the written consent of the board of county commissioners. 7676
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Sec. 333.05. (A) If a person fails to meet or comply with any provision of an agreement entered into under section 333.02 of the Revised Code, the board of county commissioners may amend the agreement to reduce the percentage or term, or both, of the payments the person is entitled to receive under the agreement. The reduction shall commence in the calendar quarter immediately 7686
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following the calendar quarter in which the board amends the 7692
agreement. 7693

(B) A board of county commissioners shall submit to the 7694
department of development and to the tax commissioner a copy of 7695
each agreement entered into under section 333.02 of the Revised 7696
Code and any modifications to an agreement within thirty days 7697
after finalization or modification of the agreement. 7698

Sec. 333.06. (A) A person who has entered into an agreement 7699
with a board of county commissioners under section 333.02 of the 7700
Revised Code shall apply for payment with the county auditor on a 7701
form prescribed by the tax commissioner within sixty days after 7702
the end of each calendar quarter during which the agreement is in 7703
effect. Upon request of the county auditor, the tax commissioner 7704
shall provide to the county auditor the applicant's sales or use 7705
tax return information or any sales or use tax audit information, 7706
including information regarding state refunds of sales or use 7707
taxes, that the county auditor needs to determine the amount of 7708
the payment that should be made to the applicant. 7709

(B) On receipt of an application for payment under this 7710
section and review of the applicant's agreement with the board of 7711
county commissioners, the county auditor shall determine the 7712
amount of the payment the applicant shall receive as follows: 7713

(1) If the amount of the payment is not less than that 7714
claimed on the application, the county auditor shall certify the 7715
amount to the county treasurer, who shall make a payment to the 7716
applicant from the county sales and use tax revenues returned or 7717
distributed to the county under sections 5739.21 and 5741.03 of 7718
the Revised Code. Upon request of the board of county 7719
commissioners or the tax commissioner, the county auditor shall 7720
notify the board or the commissioner, or both, of the amount 7721

certified and the date the payment will be made. 7722

(2) If the amount of the payment is less than that claimed on 7723
the application, the county auditor shall notify the applicant and 7724
provide to the applicant the reasons why the payment is less than 7725
that claimed. If the applicant disagrees with the amount of the 7726
payment, the applicant may file an appeal with the tax 7727
commissioner pursuant to, and within the time prescribed by, 7728
section 333.07 of the Revised Code. To assist in reviewing the 7729
amount under appeal, the county auditor shall provide to the tax 7730
commissioner any information the commissioner requests. 7731

(C) A payment made under this section or under section 333.07 7732
of the Revised Code shall not include interest. The amount of the 7733
payment shall be subject to adjustment by the county auditor, 7734
based on any refunds of the county sales and use tax that were 7735
made to the person arising from retail sales at the impact 7736
facility, including for calendar quarters in which such sales were 7737
made before the calendar quarter for which the person is 7738
requesting a payment under this section. 7739

Sec. 333.07. (A) An applicant who intends to file an appeal 7740
with the tax commissioner under division (B)(2) of section 333.06 7741
of the Revised Code shall have sixty days from the date the county 7742
auditor mails the notice under that section, as shown by the 7743
United States postal service postmark, to file with the 7744
commissioner a notice of objection and to request a hearing. The 7745
notice of objection shall state the reasons why the applicant 7746
objects to the amount of the payment to be paid to the applicant 7747
by the county auditor. 7748

(B)(1) If an applicant who files an appeal with the tax 7749
commissioner under division (B)(2) of section 333.06 of the 7750
Revised Code does not file a notice of objection within the time 7751
limit prescribed under division (A) of this section, the tax 7752

commissioner shall take no further action and the county auditor's 7753
determination under section 333.06 of the Revised Code is final. 7754

(2)(a) If the applicant files a notice of objection and 7755
requests a hearing within the time limit prescribed by division 7756
(A) of this section, the tax commissioner shall assign a time and 7757
place for the hearing and notify the applicant of the time and 7758
place, but the commissioner may continue the hearing from time to 7759
time as necessary. After the hearing, the commissioner may make 7760
adjustments to the payment as the commissioner finds proper, and 7761
shall issue a final determination thereon. 7762

(b) If the applicant files a notice of objection within the 7763
time limit prescribed by division (A) of this section and does not 7764
request a hearing, but provides additional information within the 7765
time limit prescribed by division (A) of this section, the tax 7766
commissioner shall review the information, may make adjustments to 7767
the payment as the commissioner finds proper, and shall issue a 7768
final determination thereon. 7769

(C) The tax commissioner shall serve a copy of the 7770
commissioner's final determination under this section on the 7771
applicant that filed the appeal and on the county auditor, in the 7772
manner provided in section 5703.37 of the Revised Code. The final 7773
determination may be appealed by the applicant under section 7774
5717.02 of the Revised Code. 7775

(D) If applicable, the county auditor shall certify to the 7776
county treasurer any payment due to a person pursuant to the tax 7777
commissioner's final determination under this section, adjusted 7778
for any changes that were made to the amount of the payment as the 7779
result of the appeal. 7780

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 7781
health service district comprised of a county with a population of 7782

two hundred fifty thousand or more on October 10, 1989, the board 7783
of county commissioners shall, within thirty days of October 10, 7784
1989, establish an alcohol and drug addiction services board as 7785
the entity responsible for providing alcohol and drug addiction 7786
services in the county, unless, prior to that date, the board 7787
adopts a resolution providing that the entity responsible for 7788
providing the services is a board of alcohol, drug addiction, and 7789
mental health services. If the board of county commissioners 7790
establishes an alcohol and drug addiction services board, the 7791
community mental health board established under former section 7792
340.02 of the Revised Code shall serve as the entity responsible 7793
for providing mental health services in the county. A community 7794
mental health board has all the powers, duties, and obligations of 7795
a board of alcohol, drug addiction, and mental health services 7796
with regard to mental health services. An alcohol and drug 7797
addiction services board has all the powers, duties, and 7798
obligations of a board of alcohol, drug addiction, and mental 7799
health services with regard to alcohol and drug addiction 7800
services. Any provision of the Revised Code that refers to a board 7801
of alcohol, drug addiction, and mental health services with regard 7802
to mental health services also refers to a community mental health 7803
board and any provision that refers to a board of alcohol, drug 7804
addiction, and mental health services with regard to alcohol and 7805
drug addiction services also refers to an alcohol and drug 7806
addiction services board. 7807

An alcohol and drug addiction services board shall consist of 7808
eighteen members, six of whom shall be appointed by the director 7809
of alcohol and drug addiction services and twelve of whom shall be 7810
appointed by the board of county commissioners. Of the members 7811
appointed by the director, one shall be a person who has received 7812
or is receiving services for alcohol or drug addiction, one shall 7813
be a parent or relative of such a person, one shall be a 7814
professional in the field of alcohol or drug addiction services, 7815

and one shall be an advocate for persons receiving treatment for
alcohol or drug addiction. The membership of the board shall, as
nearly as possible, reflect the composition of the population of
the service district as to race and sex. Members shall be
residents of the service district and shall be interested in
alcohol and drug addiction services. Requirements for membership,
including prohibitions against certain family and business
relationships, and terms of office shall be the same as those for
members of boards of alcohol, drug addiction, and mental health
services.

A community mental health board shall consist of eighteen
members, six of whom shall be appointed by the director of mental
health and twelve of whom shall be appointed by the board of
county commissioners. Of the members appointed by the director,
one shall be a person who has received or is receiving mental
health services, one shall be a parent or relative of such a
person, one shall be a psychiatrist or a physician, and one shall
be a mental health professional. The membership of the board as
nearly as possible shall reflect the composition of the population
of the service district as to race and sex. Members shall be
residents of the service district and shall be interested in
mental health services. Requirements for membership, including
prohibitions against certain family and business relationships,
and terms of office shall be the same as those for members of
boards of alcohol, drug addiction, and mental health services.

(B) If a board of county commissioners subject to division
(A) of this section did not adopt a resolution providing for a
board of alcohol, drug addiction, and mental health services, the
board of county commissioners may ~~adopt a resolution providing for~~
establish such a board, ~~subject to both of~~ in accordance with the
following procedures:

(1) ~~The resolution shall be adopted not later than January 1,~~

2004. 7848

~~(2) Before adopting the resolution, the board of county
commissioners shall provide notice of the proposed resolution to
the alcohol and drug services board and the community mental
health board and shall provide both boards an opportunity to
comment on the proposed resolution. Not later than January 1, 2007,
the board of county commissioners shall adopt a resolution
expressing its intent to establish a board of alcohol, drug
addiction, and mental health services.~~ 7849
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(2) After adopting a resolution under division (B)(1) of this
section, the board of county commissioners shall instruct the
county's community mental health board and the alcohol and drug
addiction services board to prepare a report on the feasibility,
process, and proposed plan to establish a board of alcohol, drug
addiction, and mental health services. The board of county
commissioners shall specify the date by which the report must be
submitted to the board for its review. 7857
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(3) After reviewing the report prepared under division (B)(2)
of this section, the board may adopt a final resolution
establishing a board of alcohol, drug addiction, and mental health
services. A final resolution establishing such a board shall be
adopted not later than July 1, 2007. 7865
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Sec. 742.57. All amounts due the Ohio police and fire pension
fund from the state treasury pursuant to this chapter shall be
promptly paid upon warrant of the ~~auditor of state~~ director of
budget and management pursuant to a voucher approved by the
~~director of budget and management.~~ 7870
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Sec. 901.23. (A) There is hereby created the farmland
preservation advisory board consisting of twelve voting members-
~~Not later than sixty days after the effective date of this~~ 7875
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~~section, appointed by the director of agriculture shall appoint~~ 7878
~~all of the following members to the board as follows:~~ 7879

(1) One member who is a county commissioner or a 7880
representative of a statewide organization that represents county 7881
commissioners; 7882

(2) One member who is a township trustee or a representative 7883
of a statewide organization that represents township trustees; 7884

(3) One representative of the Ohio state university; 7885

(4) One representative of a national nonprofit organization 7886
dedicated to the preservation of farmland; 7887

~~(5) One representative of the natural resources conservation 7888
service in the United States department of agriculture;~~ 7889

~~(6) One representative each of development, environmental, 7890
and planning, and soil and water conservation interests;~~ 7891

~~(7)~~(6) One farmer from each of the state's four quadrants. 7892

~~Of the initial appointments to the board, four shall serve 7893
for a one year term, four shall serve for a two year term, and 7894
four shall serve for a three year term. Thereafter, terms Terms of 7895
office shall be staggered and shall be for three years, with each 7896
term ending on the same day of the same month as did the term that 7897
it succeeds. Each member shall hold office from the date of 7898
appointment until the end of the term for which the member was 7899
appointed, except that the term of any member who is a county 7900
commissioner or township trustee shall end when the member ceases 7901
to serve as a county commissioner or township trustee. 7902~~

Members may be reappointed. Vacancies shall be filled in the 7903
manner provided for original appointments. Any member appointed to 7904
fill a vacancy occurring prior to the expiration date of the term 7905
for which the member was appointed shall serve for the remainder 7906
of that term. A member shall continue to serve subsequent to the 7907

expiration date of the member's term until the member's successor
takes office or until a period of sixty days has elapsed,
whichever occurs first. Members shall serve at the pleasure of the
director.

The executive director of the office of farmland preservation
in the department of agriculture or another employee of the
department who is designated by the director shall serve as the
nonvoting chairperson of the board. The director annually shall
designate one member of the board to serve as its
vice-chairperson. The board may adopt bylaws governing its
operation and shall meet at a time when the director, or the
director's designee, considers it appropriate in order for the
board to provide advice as required under division (B) of this
section.

(B) The board shall provide advice to the director regarding
all of the following:

(1) The design and implementation of an agricultural easement
purchase program;

(2) The selection of applications that will be awarded
matching grants under division (D) of section 901.22 of the
Revised Code for the purchase of agricultural easements;

(3) The design and implementation of any other statewide
farmland protection measures that the director considers
appropriate.

(C) Serving as a member of the board does not constitute
holding a public office or position of employment under the laws
of this state and does not constitute grounds for removal of
public officers or employees from their offices or positions of
employment.

(D) A board member shall be reimbursed for actual and

necessary expenses incurred in the discharge of duties as a board member. 7938
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Sec. 955.011. (A) When an application is made for 7940
registration of a an assistance dog ~~that is in training to become~~ 7941
~~or serves as a guide or leader for a blind person or as a listener~~ 7942
~~for a deaf person, that is in training to provide or provides~~ 7943
~~support or assistance for a mobility impaired person, or that is~~ 7944
~~in training to become or serves as a seizure assistance, seizure~~ 7945
~~response, or seizure alert dog for a person with a seizure~~ 7946
~~disorder,~~ and the owner can show proof by certificate or other 7947
means that the dog is ~~in training or has been trained for that~~ 7948
~~purpose by a nonprofit special agency engaged in such work~~ an 7949
assistance dog, the owner of ~~such a guide, leader, hearing,~~ 7950
~~support, seizure assistance, seizure response, or seizure alert~~ 7951
the dog shall be exempt from any fee for ~~such the~~ registration. 7952
Registration for ~~such a~~ an assistance dog ~~in training or serving~~ 7953
~~as a guide or leader for a blind person, as a listener for a deaf~~ 7954
~~person, as a support dog for a mobility impaired person, or as a~~ 7955
~~seizure assistance, seizure response, or seizure alert dog for a~~ 7956
~~person with a seizure disorder~~ shall be permanent and not subject 7957
to annual renewal so long as the dog is ~~in training or so serves~~ 7958
an assistance dog. Certificates and tags stamped "Ohio ~~Service~~ 7959
Assistance Dog-Permanent Registration," with registration number, 7960
shall be issued upon registration of such a dog. Any certificate 7961
and tag stamped "Ohio Guide Dog-Permanent Registration" or "Ohio 7962
Hearing Dog-Permanent Registration," with registration number, 7963
that was issued for a dog in accordance with this section as it 7964
existed prior to July 4, 1984, ~~and~~ any certificate and tag stamped 7965
"Ohio Handicapped Assistance Dog-Permanent Registration," with 7966
registration number, that was issued for a dog in accordance with 7967
this section as it existed on and after July 5, 1984, ~~and but~~ 7968
prior to ~~the effective date of this amendment~~ November 26, 2004, 7969

and any certificate and tag stamped "Ohio Service Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed on and after November 26, 2004, but prior to the effective date of this amendment shall remain in effect as valid proof of the registration of the dog on and after ~~the effective date of this amendment~~ November 26, 2004. Duplicate certificates and tags for a dog registered in accordance with this section, upon proper proof of loss, shall be issued and no fee required. Each duplicate certificate and tag that is issued shall be stamped "Ohio ~~Service Assistance~~ Dog-Permanent Registration."

(B) As used in this section and in sections 955.16 and 955.43 of the Revised Code:

(1) "Mobility impaired person" means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or ~~to~~ perform any related function. "Mobility impaired person" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Mobility impaired person" also includes a person with a seizure disorder.

(2) "Blind" means either of the following:

(a) Vision twenty/two hundred or less in the better eye with proper correction-~~i~~

(b) Field defect in the better eye with proper correction ~~which that~~ contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.

(3) "Assistance dog" means a guide dog, hearing dog, or

service dog that has been trained by a nonprofit special agency. 8001

(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person. 8002
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(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person. 8004
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(6) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person. 8006
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Sec. 955.16. (A) Dogs that have been seized by the county dog warden and impounded shall be kept, housed, and fed for three days for the purpose of redemption, as provided by section 955.18 of the Revised Code, unless any of the following applies: 8008
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(1) Immediate humane destruction of the dog is necessary because of obvious disease or injury. If the diseased or injured dog is registered, as determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the necessity of destroying the dog shall be certified by a licensed veterinarian or a registered veterinary technician. If the dog is not registered, the decision to destroy it shall be made by the warden. 8012
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(2) The dog is currently registered on the registration list maintained by the warden and the auditor of the county where the dog is registered and the attempts to notify the owner, keeper, or harborer under section 955.12 of the Revised Code have failed, in which case the dog shall be kept, housed, and fed for fourteen days for the purpose of redemption. 8021
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(3) The warden has contacted the owner, keeper, or harborer under section 955.12 of the Revised Code, and the owner, keeper, or harborer has requested that the dog remain in the pound or animal shelter until the owner, harborer, or keeper redeems the 8027
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dog. The time for such redemption shall be not more than 8031
forty-eight hours following the end of the appropriate redemption 8032
period. 8033

At any time after such periods of redemption, any dog not 8034
redeemed shall be donated to any nonprofit special agency that is 8035
engaged in the training of any type of assistance dogs ~~to serve as~~ 8036
~~guide or leader dogs for blind persons, hearing dogs for deaf~~ 8037
~~persons, or support dogs for mobility impaired persons~~ and that 8038
requests that the dog be donated to it. Any dog not redeemed that 8039
is not requested by such an agency may be sold, except that no dog 8040
sold to a person other than a nonprofit teaching or research 8041
institution or organization of the type described in division (B) 8042
of this section shall be discharged from the pound or animal 8043
shelter until the animal has been registered and furnished with a 8044
valid registration tag. 8045

(B) Any dog that is not redeemed within the applicable period 8046
as specified in this section or section 955.12 of the Revised Code 8047
from the time notice is mailed to its owner, keeper, or harborer 8048
or is posted at the pound or animal shelter, as required by 8049
section 955.12 of the Revised Code, and that is not required to be 8050
donated to a nonprofit special agency engaged in the training of 8051
~~guide, leader, hearing, or support~~ any type of assistance dogs 8052
may, upon payment to the dog warden or poundkeeper of the sum of 8053
three dollars, be sold to any nonprofit Ohio institution or 8054
organization that is certified by the Ohio public health council 8055
as being engaged in teaching or research concerning the prevention 8056
and treatment of diseases of human beings or animals. Any dog that 8057
is donated to a nonprofit special agency engaged in the training 8058
of ~~guide, leader, hearing, or support~~ any type of assistance dogs, 8059
in accordance with division (A) of this section and any dog that 8060
is sold to any nonprofit teaching or research institution or 8061
organization shall be discharged from the pound or animal shelter 8062

without registration and may be kept by the agency or by the 8063
institution or organization without registration so long as the 8064
dog is being trained, or is being used for teaching and research 8065
purposes. 8066

Any institution or organization certified by the Ohio public 8067
health council that obtains dogs for teaching and research 8068
purposes pursuant to this section shall, at all reasonable times, 8069
make the dogs available for inspection by agents of the Ohio 8070
humane society, appointed pursuant to section 1717.04 of the 8071
Revised Code, and agents of county humane societies, appointed 8072
pursuant to section 1717.06 of the Revised Code, in order that the 8073
agents may prevent the perpetration of any act of cruelty, as 8074
defined in section 1717.01 of the Revised Code, to the dogs. 8075

(C) Any dog that the dog warden or poundkeeper is unable to 8076
dispose of, in the manner provided by this section and section 8077
955.18 of the Revised Code, may be humanely destroyed, except that 8078
no dog shall be destroyed until twenty-four hours after it has 8079
been offered to a nonprofit teaching or research institution or 8080
organization, as provided in this section, that has made a request 8081
for dogs to the dog warden or poundkeeper. 8082

(D) An owner of a dog that is wearing a valid registration 8083
tag who presents the dog to the dog warden or poundkeeper may 8084
specify in writing that the dog shall not be offered to a 8085
nonprofit teaching or research institution or organization, as 8086
provided in this section. 8087

(E) A record of all dogs impounded, the disposition of the 8088
same, the owner's name and address, if known, and a statement of 8089
costs assessed against the dogs shall be kept by the poundkeeper, 8090
and ~~he~~ the poundkeeper shall furnish a transcript thereof to the 8091
county treasurer quarterly. 8092

A record of all dogs received and the source that supplied 8093

them shall be kept, for a period of three years from the date of
acquiring the dogs, by all institutions or organizations engaged
in teaching or research concerning the prevention and treatment of
diseases of human beings or animals.

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(F) No person shall destroy any dog by the use of a high
altitude decompression chamber or by any method other than a
method that immediately and painlessly renders the dog initially
unconscious and subsequently dead.

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Sec. 955.43. (A) When either a blind, deaf or hearing
impaired, or mobility impaired person or a trainer of an
assistance dog is accompanied by a an assistance dog ~~that serves~~
~~as or is in training to become a guide, leader, listener, or~~
~~support dog for the person, and the person can show proof by~~
~~certificate or other means that the dog leading the person,~~
~~listening for the person, or providing support or assistance for~~
~~the person has been or is being trained for that purpose by a~~
~~nonprofit special agency engaged in such work, the person or the~~
trainer, as applicable, is entitled to the full and equal
accommodations, advantages, facilities, and privileges of all
public conveyances, hotels, lodging places, all places of public
accommodation, amusement, or resort, all institutions of
education, and other places to which the general public is
invited, and may take the dog into such conveyances and places,
subject only to the conditions and limitations applicable to all
persons not so accompanied, except that:

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(1) The dog shall not occupy a seat in any public conveyance.

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(2) The dog shall be upon a leash while using the facilities
of a common carrier.

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(3) Any dog in training to become ~~a guide, leader, listener,~~
~~or support~~ an assistance dog shall be covered by a liability

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insurance policy provided by the nonprofit special agency engaged 8124
in such work protecting members of the public against personal 8125
injury or property damage caused by the dog. 8126

(B) No person shall deprive a blind, deaf or hearing 8127
impaired, or mobility impaired person or a trainer of an 8128
assistance dog who is accompanied by an assistance dog of any of 8129
the advantages, facilities, or privileges provided in division (A) 8130
of this section, nor charge the ~~blind, deaf, or mobility impaired~~ 8131
person or trainer a fee or charge for the dog. 8132

(C) As used in this section, "institutions of education" 8133
means: 8134

(1) Any state university or college as defined in section 8135
3345.32 of the Revised Code; 8136

(2) Any private college or university that holds a 8137
certificate of authorization issued by the Ohio board of regents 8138
pursuant to Chapter 1713. of the Revised Code; 8139

(3) Any elementary or secondary school operated by a board of 8140
education; 8141

(4) Any chartered or nonchartered nonpublic elementary or 8142
secondary school; 8143

(5) Any school issued a certificate of registration by the 8144
state board of career colleges and schools. 8145

Sec. 1317.07. No retail installment contract authorized by 8146
section 1317.03 of the Revised Code that is executed in connection 8147
with any retail installment sale shall evidence any indebtedness 8148
in excess of the time balance fixed in the written instrument in 8149
compliance with section 1317.04 of the Revised Code, but it may 8150
evidence in addition any agreements of the parties for the payment 8151
of delinquent charges, as provided for in section 1317.06 of the 8152
Revised Code, taxes, and any lawful fee actually paid out, or to 8153

be paid out, by the retail seller to any public officer for 8154
filing, recording, or releasing any instrument securing the 8155
payment of the obligation owed on any retail installment contract. 8156
No retail seller, directly or indirectly, shall charge, contract 8157
for, or receive from any retail buyer, any further or other amount 8158
for examination, service, brokerage, commission, expense, fee, or 8159
other thing of value. A documentary service charge customarily and 8160
presently being paid on May 9, 1949, in a particular business and 8161
area may be charged if the charge does not exceed ~~one~~ two hundred 8162
fifty dollars per sale. 8163

No retail seller shall use multiple agreements with respect 8164
to a single item or related items purchased at the same time, with 8165
intent to obtain a higher charge than would otherwise be permitted 8166
by Chapter 1317. of the Revised Code or to avoid disclosure of an 8167
annual percentage rate, nor by use of such agreements make any 8168
charge greater than that which would be permitted by Chapter 1317. 8169
of the Revised Code had a single agreement been used. 8170

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 8171
Revised Code: 8172

(A) "Cost to the retailer" means the invoice cost of 8173
cigarettes to the retailer, or the replacement cost of cigarettes 8174
to the retailer within thirty days prior to the date of sale, in 8175
the quantity last purchased, whichever is lower, less all trade 8176
discounts except customary discounts for cash, to which shall be 8177
added the cost of doing business by the retailer as evidenced by 8178
the standards and the methods of accounting regularly employed by 8179
the retailer in the retailer's allocation of overhead costs and 8180
expenses, paid or incurred. "Cost to the retailer" must include, 8181
without limitation, labor, including salaries of executives and 8182
officers, rent, depreciation, selling costs, maintenance of 8183
equipment, delivery costs, all types of licenses, insurance, 8184

advertising, and taxes, exclusive of county cigarette taxes paid 8185
or payable on the cigarettes. Where the sale to the retailer is on 8186
a cash and carry basis, the cartage to the retail outlet, if 8187
performed or paid for by the retailer, shall be added to the 8188
invoice cost of the cigarettes to the retailer. In the absence of 8189
proof of a lesser or higher cost by the retailer, the cartage cost 8190
shall be three-fourths of one per cent of the invoice cost of the 8191
cigarettes to the retailer, not including the amount added thereto 8192
by the wholesaler for the face value of state and county cigarette 8193
tax stamps affixed to each package of cigarettes. 8194

(B) In the absence of proof of a lesser or higher cost of 8195
doing business by the retailer making the sale, the cost of doing 8196
business to the retailer shall be eight per cent of the invoice 8197
cost of the cigarettes to the retailer exclusive of the face value 8198
of county cigarette taxes paid on the cigarettes or of the 8199
replacement cost of the cigarettes to the retailer within thirty 8200
days prior to the date of sale in the quantity last purchased 8201
exclusive of the face value of county cigarette taxes paid on the 8202
cigarettes, whichever is lower, less all trade discounts except 8203
customary discounts for cash. 8204

(C) "Cost to the wholesaler" means the invoice cost of the 8205
cigarettes to the wholesaler, or the replacement cost of the 8206
cigarettes to the wholesaler within thirty days prior to the date 8207
of sale, in the quantity last purchased, whichever is lower, less 8208
all trade discounts except customary discounts for cash, to which 8209
shall be added a wholesaler's markup to cover in part the cost of 8210
doing business, which wholesaler's markup, in the absence of proof 8211
of a lesser or higher cost of doing business by the wholesaler as 8212
evidenced by the standards and methods of accounting regularly 8213
employed by the wholesaler in the wholesaler's allocation of 8214
overhead costs and expenses, paid or incurred, including without 8215
limitation, labor, salaries of executives and officers, rent, 8216

depreciation, selling costs, maintenance of equipment, delivery, 8217
delivery costs, all types of licenses, taxes, insurance, and 8218
advertising, shall be three and five-tenths per cent of such 8219
invoice cost of the cigarettes to the wholesaler, to which shall 8220
be added the full face value of state and county cigarette tax 8221
stamps affixed by the wholesaler to each package of cigarettes, or 8222
of the replacement cost of the cigarettes to the wholesaler within 8223
thirty days prior to the date of sale in the quantity last 8224
purchased, whichever is lower, less all trade discounts except 8225
customary discounts for cash. Where the sale by the wholesaler to 8226
the retailer is on a cash and carry basis, the wholesaler may, in 8227
the absence of proof of a lesser or higher cost, allow to the 8228
retailer an amount not to exceed three-fourths of one per cent of 8229
the "cost to the wholesaler" excluding the amount added thereto 8230
for the face value of state and county cigarette tax stamps 8231
affixed to each package of cigarettes. 8232

(D) Any person licensed to sell cigarettes as both a 8233
wholesaler and a retailer, who does sell cigarettes at retail, 8234
shall, in determining "cost to the retailer", first compute "cost 8235
to the wholesaler" as provided in division (C) of this section; 8236
that "cost to the wholesaler" shall then be used in lieu of the 8237
lower of either invoice cost or replacement cost less all trade 8238
discounts except customary discounts for cash in computing "cost 8239
to the retailer" as provided in divisions (A) and (B) of this 8240
section. 8241

(E) In all advertisements, offers for sale, or sales 8242
involving two or more items at a combined price and in all 8243
advertisements, offers for sale, or sales involving the giving of 8244
any concession of any kind, whether it be coupons or otherwise, 8245
the retailer's or wholesaler's selling price shall not be below 8246
the "cost to the retailer" or the "cost to wholesaler", 8247
respectively, of all articles, products, commodities, and 8248

concessions included in such transactions. 8249

(F)(1) "Sell at retail," "sales at retail," and "retail 8250
sales" include any transfer of title to tangible personal property 8251
for a valuable consideration made, in the ordinary course of trade 8252
or usual prosecution of the seller's business, to the purchaser 8253
for consumption or use. 8254

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 8255
sales" include any such transfer of title to tangible personal 8256
property for the purpose of resale. 8257

(G) "Retailer" includes any person who is permitted to sell 8258
cigarettes at retail within this state under section 5743.15 of 8259
the Revised Code. 8260

(H) "Wholesaler" includes any person who is permitted to sell 8261
cigarettes at wholesale within this state under that section. 8262

(I) "Person" includes individuals, corporations, 8263
partnerships, associations, joint-stock companies, business 8264
trusts, unincorporated organizations, receivers, or trustees. 8265

(J) "County cigarette taxes" means the taxes levied under 8266
section 5743.021, 5743.024, or 5743.026 of the Revised Code. 8267

Sec. 1523.02. If the governor approves the plans, 8268
specifications, and estimates authorized by section 1523.01 of the 8269
Revised Code, the chief of the division of water shall thereupon 8270
proceed, as provided in sections 1523.02 to 1523.13 of the Revised 8271
Code, to construct the improvements or to make alterations in or 8272
to enlarge those already existing, in such manner and form as is 8273
shown by such plans and specifications. In order to provide the 8274
funds for such construction, alteration, or enlargement, the chief 8275
shall issue and sell bonds of the state, not in excess of the 8276
estimated cost of such improvements. The bonds shall be issued in 8277
denominations of not less than one hundred dollars payable as a 8278

whole or in series on or before fifty years from the date thereof, 8279
with interest not to exceed the rate provided in section 9.95 of 8280
the Revised Code, payable either annually or semiannually. 8281

The bonds shall show on their face the purpose for which 8282
issued and shall create no liability upon or be considered an 8283
indebtedness of the state, but both the principal and interest 8284
shall be paid solely out of the proceeds arising from the 8285
improvements constructed, altered, or enlarged by the chief, or 8286
from the proceeds of the sale or foreclosure of the lien securing 8287
the bonds on such improvement or such part thereof as is 8288
constructed from the money realized from the sale of the bonds. 8289

The form of the bonds shall be approved by the attorney 8290
general, and they shall be signed by the governor and attested by 8291
the director of natural resources and the chief. The bonds may be 8292
issued as coupon bonds, payable to bearer only, or upon demand of 8293
the owner or holder thereof as registered bonds. 8294

Such bonds shall be sold by the chief to the highest bidder 8295
therefor, but for not less than the par value thereof, with 8296
accrued interest thereon, after thirty days' notice in at least 8297
two newspapers of general circulation in the county where such 8298
improvements are to be constructed, altered, or enlarged, setting 8299
forth the nature, amount, rate of interest, and length of time the 8300
bonds have to run, with the time and place of sale. 8301

The treasurer of state shall be the treasurer of the fund 8302
realized from the sale of such bonds, and the auditor of state 8303
shall be the auditor of such fund. The proceeds of such sale shall 8304
be turned over to the treasurer of state and shall be deposited by 8305
~~him~~ the treasurer of state in a solvent bank, located either in 8306
Columbus or in the county in which such improvements are located. 8307
Such proceeds shall be kept by such bank in a fund to be known as 8308
the water conservation improvement fund. Such fund shall be used 8309
to acquire the necessary real estate and to construct such new 8310

improvements and for no other purpose, except that the treasurer 8311
of state may pay the interest on the bonds during the period of 8312
condemnation and the construction, alteration, or enlargement of 8313
such improvements out of the proceeds arising from the sale of the 8314
bonds for a term not exceeding three years from the date on which 8315
the bonds are issued. The bank shall give bond to the state in 8316
such amount as the treasurer of state considers advisable, and 8317
with surety to ~~his~~ the satisfaction of the treasurer of state, for 8318
the benefit of the holders of the bonds, and for the benefit of 8319
any contractors performing labor or furnishing material for such 8320
improvements, as provided by law, conditioned that it will safely 8321
keep the money and will make no payments or disbursements 8322
therefrom except as provided in sections 1523.01 to 1523.13 of the 8323
Revised Code. 8324

The treasurer of state shall hold such fund as trustee for 8325
the holders of the bonds and for all persons performing labor or 8326
furnishing material for the construction, alteration, or 8327
enlargement of any improvement made under such sections. Such 8328
funds shall not be turned into the state treasury, but shall be 8329
deposited and disbursed by the treasurer of state as provided in 8330
such sections. The interest coupons attached to such bonds shall 8331
bear the signature of the treasurer of state, executed by ~~him~~ the 8332
treasurer of state or printed or lithographed thereon. 8333

Both the interest and principal of such bonds shall be made 8334
payable at the office of the treasurer of state in Columbus, and 8335
shall be paid by the treasurer of state, without warrant ~~of the~~ 8336
~~auditor of state~~ or authority of the director of budget and 8337
management, to the owner or holder of such bonds upon presentation 8338
by the owner or holder of matured interest coupons or bonds. 8339

Sec. 1901.31. The clerk and deputy clerks of a municipal 8340
court shall be selected, be compensated, give bond, and have 8341

powers and duties as follows: 8342

(A) There shall be a clerk of the court who is appointed or 8343
elected as follows: 8344

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 8345
Toledo, Hamilton county, Portage county, and Wayne county 8346
municipal courts, if the population of the territory equals or 8347
exceeds one hundred thousand at the regular municipal election 8348
immediately preceding the expiration of the term of the present 8349
clerk, the clerk shall be nominated and elected by the qualified 8350
electors of the territory in the manner that is provided for the 8351
nomination and election of judges in section 1901.07 of the 8352
Revised Code. 8353

The clerk so elected shall hold office for a term of six 8354
years, which term shall commence on the first day of January 8355
following the clerk's election and continue until the clerk's 8356
successor is elected and qualified. 8357

(b) In the Hamilton county municipal court, the clerk of 8358
courts of Hamilton county shall be the clerk of the municipal 8359
court and may appoint an assistant clerk who shall receive the 8360
compensation, payable out of the treasury of Hamilton county in 8361
semimonthly installments, that the board of county commissioners 8362
prescribes. The clerk of courts of Hamilton county, acting as the 8363
clerk of the Hamilton county municipal court and assuming the 8364
duties of that office, shall receive compensation at one-fourth 8365
the rate that is prescribed for the clerks of courts of common 8366
pleas as determined in accordance with the population of the 8367
county and the rates set forth in sections 325.08 and 325.18 of 8368
the Revised Code. This compensation shall be paid from the county 8369
treasury in semimonthly installments and is in addition to the 8370
annual compensation that is received for the performance of the 8371
duties of the clerk of courts of Hamilton county, as provided in 8372
sections 325.08 and 325.18 of the Revised Code. 8373

(c) In the Portage county and Wayne county municipal courts, 8374
the clerks of courts of Portage county and Wayne county shall be 8375
the clerks, respectively, of the Portage county and Wayne county 8376
municipal courts and may appoint a chief deputy clerk for each 8377
branch that is established pursuant to section 1901.311 of the 8378
Revised Code and assistant clerks as the judges of the municipal 8379
court determine are necessary, all of whom shall receive the 8380
compensation that the legislative authority prescribes. The clerks 8381
of courts of Portage county and Wayne county, acting as the clerks 8382
of the Portage county and Wayne county municipal courts and 8383
assuming the duties of these offices, shall receive compensation 8384
payable from the county treasury in semimonthly installments at 8385
one-fourth the rate that is prescribed for the clerks of courts of 8386
common pleas as determined in accordance with the population of 8387
the county and the rates set forth in sections 325.08 and 325.18 8388
of the Revised Code. 8389

(d) Except as otherwise provided in division (A)(1)(d) of 8390
this section, in the Akron municipal court, candidates for 8391
election to the office of clerk of the court shall be nominated by 8392
primary election. The primary election shall be held on the day 8393
specified in the charter of the city of Akron for the nomination 8394
of municipal officers. Notwithstanding any contrary provision of 8395
section 3513.05 or 3513.257 of the Revised Code, the declarations 8396
of candidacy and petitions of partisan candidates and the 8397
nominating petitions of independent candidates for the office of 8398
clerk of the Akron municipal court shall be signed by at least 8399
fifty qualified electors of the territory of the court. 8400

The candidates shall file a declaration of candidacy and 8401
petition, or a nominating petition, whichever is applicable, not 8402
later than four p.m. of the seventy-fifth day before the day of 8403
the primary election, in the form prescribed by section 3513.07 or 8404
3513.261 of the Revised Code. The declaration of candidacy and 8405

petition, or the nominating petition, shall conform to the 8406
applicable requirements of section 3513.05 or 3513.257 of the 8407
Revised Code. 8408

If no valid declaration of candidacy and petition is filed by 8409
any person for nomination as a candidate of a particular political 8410
party for election to the office of clerk of the Akron municipal 8411
court, a primary election shall not be held for the purpose of 8412
nominating a candidate of that party for election to that office. 8413
If only one person files a valid declaration of candidacy and 8414
petition for nomination as a candidate of a particular political 8415
party for election to that office, a primary election shall not be 8416
held for the purpose of nominating a candidate of that party for 8417
election to that office, and the candidate shall be issued a 8418
certificate of nomination in the manner set forth in section 8419
3513.02 of the Revised Code. 8420

Declarations of candidacy and petitions, nominating 8421
petitions, and certificates of nomination for the office of clerk 8422
of the Akron municipal court shall contain a designation of the 8423
term for which the candidate seeks election. At the following 8424
regular municipal election, all candidates for the office shall be 8425
submitted to the qualified electors of the territory of the court 8426
in the manner that is provided in section 1901.07 of the Revised 8427
Code for the election of the judges of the court. The clerk so 8428
elected shall hold office for a term of six years, which term 8429
shall commence on the first day of January following the clerk's 8430
election and continue until the clerk's successor is elected and 8431
qualified. 8432

(e) Except as otherwise provided in division (A)(1)(e) of 8433
this section, in the Barberton municipal court, candidates for 8434
election to the office of clerk of the court shall be nominated by 8435
primary election. The primary election shall be held on the day 8436
specified in the charter of the city of Barberton for the 8437

nomination of municipal officers. Notwithstanding any contrary
provision of section 3513.05 or 3513.257 of the Revised Code, the
declarations of candidacy and petitions of partisan candidates and
the nominating petitions of independent candidates for the office
of clerk of the Barberton municipal court shall be signed by at
least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and
petition, or a nominating petition, whichever is applicable, not
later than four p.m. of the seventy-fifth day before the day of
the primary election, in the form prescribed by section 3513.07 or
3513.261 of the Revised Code. The declaration of candidacy and
petition, or the nominating petition, shall conform to the
applicable requirements of section 3513.05 or 3513.257 of the
Revised Code.

If no valid declaration of candidacy and petition is filed by
any person for nomination as a candidate of a particular political
party for election to the office of clerk of the Barberton
municipal court, a primary election shall not be held for the
purpose of nominating a candidate of that party for election to
that office. If only one person files a valid declaration of
candidacy and petition for nomination as a candidate of a
particular political party for election to that office, a primary
election shall not be held for the purpose of nominating a
candidate of that party for election to that office, and the
candidate shall be issued a certificate of nomination in the
manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating
petitions, and certificates of nomination for the office of clerk
of the Barberton municipal court shall contain a designation of
the term for which the candidate seeks election. At the following
regular municipal election, all candidates for the office shall be
submitted to the qualified electors of the territory of the court

in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(f) Except as otherwise provided in division (A)(1)(f) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of

candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g) Except as otherwise provided in division (A)(1)(g) of this section, in the Toledo municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Toledo for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Toledo municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of

the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of

the territory is less than one hundred thousand, the clerk shall
be appointed by the court, and the clerk shall hold office until
the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown
municipal courts, the clerk shall be elected for a term of office
as described in division (A)(1)(a) of this section.

(c) In the Auglaize county and Brown county municipal courts,
the clerks of courts of Auglaize county and Brown county shall be
the clerks, respectively, of the Auglaize county and Brown county
municipal courts and may appoint a chief deputy clerk for each
branch that is established pursuant to section 1901.311 of the
Revised Code, and assistant clerks as the judge of the court
determines are necessary, all of whom shall receive the
compensation that the legislative authority prescribes. The clerks
of courts of Auglaize county and Brown county, acting as the
clerks of the Auglaize county and Brown county municipal courts
and assuming the duties of these offices, shall receive
compensation payable from the county treasury in semimonthly
installments at one-fourth the rate that is prescribed for the
clerks of courts of common pleas as determined in accordance with
the population of the county and the rates set forth in sections
325.08 and 325.18 of the Revised Code.

(d) In the Columbiana county municipal court, the clerk of
courts of Columbiana county shall be the clerk of the municipal
court, may appoint a chief deputy clerk for each branch office
that is established pursuant to section 1901.311 of the Revised
Code, and may appoint any assistant clerks that the judges of the
court determine are necessary. All of the chief deputy clerks and
assistant clerks shall receive the compensation that the
legislative authority prescribes. The clerk of courts of
Columbiana county, acting as the clerk of the Columbiana county
municipal court and assuming the duties of that office, shall

receive in either biweekly installments or semimonthly 8598
installments, as determined by the payroll administrator, 8599
compensation payable from the county treasury ~~in semimonthly~~ 8600
~~installments~~ at one-fourth the rate that is prescribed for the 8601
clerks of courts of common pleas as determined in accordance with 8602
the population of the county and the rates set forth in sections 8603
325.08 and 325.18 of the Revised Code. 8604

(3) During the temporary absence of the clerk due to illness, 8605
vacation, or other proper cause, the court may appoint a temporary 8606
clerk, who shall be paid the same compensation, have the same 8607
authority, and perform the same duties as the clerk. 8608

(B) Except in the Hamilton county, Portage county, and Wayne 8609
county municipal courts, if a vacancy occurs in the office of the 8610
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 8611
court or occurs in the office of the clerk of a municipal court 8612
for which the population of the territory equals or exceeds one 8613
hundred thousand because the clerk ceases to hold the office 8614
before the end of the clerk's term or because a clerk-elect fails 8615
to take office, the vacancy shall be filled, until a successor is 8616
elected and qualified, by a person chosen by the residents of the 8617
territory of the court who are members of the county central 8618
committee of the political party by which the last occupant of 8619
that office or the clerk-elect was nominated. Not less than five 8620
nor more than fifteen days after a vacancy occurs, those members 8621
of that county central committee shall meet to make an appointment 8622
to fill the vacancy. At least four days before the date of the 8623
meeting, the chairperson or a secretary of the county central 8624
committee shall notify each such member of that county central 8625
committee by first class mail of the date, time, and place of the 8626
meeting and its purpose. A majority of all such members of that 8627
county central committee constitutes a quorum, and a majority of 8628
the quorum is required to make the appointment. If the office so 8629

vacated was occupied or was to be occupied by a person not
nominated at a primary election, or if the appointment was not
made by the committee members in accordance with this division,
the court shall make an appointment to fill the vacancy. A
successor shall be elected to fill the office for the unexpired
term at the first municipal election that is held more than one
hundred twenty days after the vacancy occurred.

(C)(1) In a municipal court, other than the Auglaize county,
the Brown county, the Columbiana county, and the Lorain municipal
courts, for which the population of the territory is less than one
hundred thousand, the clerk of the municipal court shall receive
the annual compensation that the presiding judge of the court
prescribes, if the revenue of the court for the preceding calendar
year, as certified by the auditor or chief fiscal officer of the
municipal corporation in which the court is located or, in the
case of a county-operated municipal court, the county auditor, is
equal to or greater than the expenditures, including any debt
charges, for the operation of the court payable under this chapter
from the city treasury or, in the case of a county-operated
municipal court, the county treasury for that calendar year, as
also certified by the auditor or chief fiscal officer. If the
revenue of a municipal court, other than the Auglaize county, the
Brown county, the Columbiana county, and the Lorain municipal
courts, for which the population of the territory is less than one
hundred thousand for the preceding calendar year as so certified
is not equal to or greater than those expenditures for the
operation of the court for that calendar year as so certified, the
clerk of a municipal court shall receive the annual compensation
that the legislative authority prescribes. As used in this
division, "revenue" means the total of all costs and fees that are
collected and paid to the city treasury or, in a county-operated
municipal court, the county treasury by the clerk of the municipal

court under division (F) of this section and all interest received 8662
and paid to the city treasury or, in a county-operated municipal 8663
court, the county treasury in relation to the costs and fees under 8664
division (G) of this section. 8665

(2) In a municipal court, other than the Hamilton county, 8666
Portage county, and Wayne county municipal courts, for which the 8667
population of the territory is one hundred thousand or more, and 8668
in the Lorain municipal court, the clerk of the municipal court 8669
shall receive annual compensation in a sum equal to eighty-five 8670
per cent of the salary of a judge of the court. 8671

(3) The compensation of a clerk described in division (C)(1) 8672
or (2) of this section is payable in semimonthly installments from 8673
the same sources and in the same manner as provided in section 8674
1901.11 of the Revised Code. 8675

(D) Before entering upon the duties of the clerk's office, 8676
the clerk of a municipal court shall give bond of not less than 8677
six thousand dollars to be determined by the judges of the court, 8678
conditioned upon the faithful performance of the clerk's duties. 8679

(E) The clerk of a municipal court may do all of the 8680
following: administer oaths, take affidavits, and issue executions 8681
upon any judgment rendered in the court, including a judgment for 8682
unpaid costs; issue, sign, and attach the seal of the court to all 8683
writs, process, subpoenas, and papers issuing out of the court; 8684
and approve all bonds, sureties, recognizances, and undertakings 8685
fixed by any judge of the court or by law. The clerk may refuse to 8686
accept for filing any pleading or paper submitted for filing by a 8687
person who has been found to be a vexatious litigator under 8688
section 2323.52 of the Revised Code and who has failed to obtain 8689
leave to proceed under that section. The clerk shall do all of the 8690
following: file and safely keep all journals, records, books, and 8691
papers belonging or appertaining to the court; record the 8692

proceedings of the court; perform all other duties that the judges
of the court may prescribe; and keep a book showing all receipts
and disbursements, which book shall be open for public inspection
at all times.

The clerk shall prepare and maintain a general index, a
docket, and other records that the court, by rule, requires, all
of which shall be the public records of the court. In the docket,
the clerk shall enter, at the time of the commencement of an
action, the names of the parties in full, the names of the
counsel, and the nature of the proceedings. Under proper dates,
the clerk shall note the filing of the complaint, issuing of
summons or other process, returns, and any subsequent pleadings.
The clerk also shall enter all reports, verdicts, orders,
judgments, and proceedings of the court, clearly specifying the
relief granted or orders made in each action. The court may order
an extended record of any of the above to be made and entered,
under the proper action heading, upon the docket at the request of
any party to the case, the expense of which record may be taxed as
costs in the case or may be required to be prepaid by the party
demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect,
and issue receipts for all costs, fees, fines, bail, and other
moneys payable to the office or to any officer of the court. The
clerk shall each month disburse to the proper persons or officers,
and take receipts for, all costs, fees, fines, bail, and other
moneys that the clerk collects. Subject to sections 3375.50 and
4511.193 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court and except for the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay all fines received for violation of
municipal ordinances into the treasury of the municipal

corporation the ordinance of which was violated and shall pay all
fines received for violation of township resolutions adopted
pursuant to Chapter 504. of the Revised Code into the treasury of
the township the resolution of which was violated. Subject to
sections 1901.024 and 4511.193 of the Revised Code, in the
Hamilton county, Lawrence county, and Ottawa county municipal
courts, the clerk shall pay fifty per cent of the fines received
for violation of municipal ordinances and fifty per cent of the
fines received for violation of township resolutions adopted
pursuant to Chapter 504. of the Revised Code into the treasury of
the county. Subject to sections 3375.50, 3375.53, 4511.19, and
5503.04 of the Revised Code and to any other section of the
Revised Code that requires a specific manner of disbursement of
any moneys received by a municipal court, the clerk shall pay all
fines collected for the violation of state laws into the county
treasury. Except in a county-operated municipal court, the clerk
shall pay all costs and fees the disbursement of which is not
otherwise provided for in the Revised Code into the city treasury.
The clerk of a county-operated municipal court shall pay the costs
and fees the disbursement of which is not otherwise provided for
in the Revised Code into the county treasury. Moneys deposited as
security for costs shall be retained pending the litigation. The
clerk shall keep a separate account of all receipts and
disbursements in civil and criminal cases, which shall be a
permanent public record of the office. On the expiration of the
term of the clerk, the clerk shall deliver the records to the
clerk's successor. The clerk shall have other powers and duties as
are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on
the record of the case in which they are paid and shall be
deposited in a state or national bank, or a domestic savings and
loan association, as defined in section 1151.01 of the Revised

Code, that is selected by the clerk. Any interest received upon 8757
the deposits shall be paid into the city treasury, except that, in 8758
a county-operated municipal court, the interest shall be paid into 8759
the treasury of the county in which the court is located. 8760

On the first Monday in January of each year, the clerk shall 8761
make a list of the titles of all cases in the court that were 8762
finally determined more than one year past in which there remains 8763
unclaimed in the possession of the clerk any funds, or any part of 8764
a deposit for security of costs not consumed by the costs in the 8765
case. The clerk shall give notice of the moneys to the parties who 8766
are entitled to the moneys or to their attorneys of record. All 8767
the moneys remaining unclaimed on the first day of April of each 8768
year shall be paid by the clerk to the city treasurer, except 8769
that, in a county-operated municipal court, the moneys shall be 8770
paid to the treasurer of the county in which the court is located. 8771
The treasurer shall pay any part of the moneys at any time to the 8772
person who has the right to the moneys upon proper certification 8773
of the clerk. 8774

(H) Deputy clerks may be appointed by the clerk and shall 8775
receive the compensation, payable in either biweekly installments 8776
or semimonthly installments, as determined by the payroll 8777
administrator, out of the city treasury, that the clerk may 8778
prescribe, except that the compensation of any deputy clerk of a 8779
county-operated municipal court shall be paid out of the treasury 8780
of the county in which the court is located. Each deputy clerk 8781
shall take an oath of office before entering upon the duties of 8782
the deputy clerk's office and, when so qualified, may perform the 8783
duties appertaining to the office of the clerk. The clerk may 8784
require any of the deputy clerks to give bond of not less than 8785
three thousand dollars, conditioned for the faithful performance 8786
of the deputy clerk's duties. 8787

(I) For the purposes of this section, whenever the population 8788

of the territory of a municipal court falls below one hundred 8789
thousand but not below ninety thousand, and the population of the 8790
territory prior to the most recent regular federal census exceeded 8791
one hundred thousand, the legislative authority of the municipal 8792
corporation may declare, by resolution, that the territory shall 8793
be considered to have a population of at least one hundred 8794
thousand. 8795

(J) The clerk or a deputy clerk shall be in attendance at all 8796
sessions of the municipal court, although not necessarily in the 8797
courtroom, and may administer oaths to witnesses and jurors and 8798
receive verdicts. 8799

Sec. 1901.311. A municipal court may establish one or more 8800
branch offices and may appoint a special deputy clerk to 8801
administer each branch office. Each special deputy clerk shall 8802
take an oath of office before entering upon the duties of his 8803
office, and, when so qualified, may perform any one or more of the 8804
duties appertaining to the office of clerk, as the court 8805
prescribes. Special deputy clerks appointed by the court pursuant 8806
to this section shall receive such compensation payable in either 8807
biweekly installments or semimonthly installments, as determined 8808
by the payroll administrator, out of the city treasury as the 8809
court may prescribe, except that the compensation of any special 8810
deputy clerk of a county-operated municipal court shall be payable 8811
out of the treasury of the county in which the court is located. 8812
The court may require any of the special deputy clerks to give 8813
bond of not less than three thousand dollars, conditioned for the 8814
faithful performance of his duties. 8815

Sec. 1901.32. (A) The bailiffs and deputy bailiffs of a 8816
municipal court shall be provided for, and their duties are, as 8817
follows: 8818

(1) Except for the Hamilton county municipal court, the court shall appoint a bailiff who shall receive the annual compensation that the court prescribes payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, from the same sources and in the same manner as provided in section 1901.11 of the Revised Code. The court may provide that the chief of police of the municipal corporation or a member of the police force be appointed by the court to be the bailiff of the court. Before entering upon ~~his~~ the duties of office, the bailiff shall take an oath to faithfully perform the duties of the office and shall give a bond of not less than three thousand dollars, as the legislative authority prescribes, conditioned for the faithful performance ~~of his~~ the duties ~~as of~~ chief bailiff.

(2) Except for the Hamilton county municipal court, deputy bailiffs may be appointed by the court. Deputy bailiffs shall receive the compensation payable in semimonthly installments out of the city treasury that the court prescribes, except that the compensation of deputy bailiffs in a county-operated municipal court shall be paid out of the treasury of the county in which the court is located. Each deputy bailiff shall give a bond in an amount not less than one thousand dollars, and, when so qualified, ~~he~~ may perform the duties pertaining to the office of chief bailiff of the court.

(3) The bailiff and all deputy bailiffs of the Hamilton county municipal court shall be appointed by the clerk and shall receive the compensation payable in semimonthly installments out of the treasury of Hamilton county that the clerk prescribes. Each judge of the Hamilton county municipal court may appoint a courtroom bailiff, each of whom shall receive the compensation payable in semimonthly installments out of the treasury of Hamilton county that the court prescribes.

(4) The legislative authority may purchase motor vehicles for 8851
the use of the bailiffs and deputy bailiffs as the court 8852
determines they need to perform the duties of their office. All 8853
expenses, maintenance, and upkeep of the vehicles shall be paid by 8854
the legislative authority upon approval by the court. Any 8855
allowances, costs, and expenses for the operation of private motor 8856
vehicles by bailiffs and deputy bailiffs for official duties, 8857
including the cost of oil, gasoline, and maintenance, shall be 8858
prescribed by the court and, subject to the approval of the 8859
legislative authority, shall be paid from the city treasury, 8860
except that the allowances, costs, and expenses for the bailiffs 8861
and deputy bailiffs of a county-operated municipal court shall be 8862
paid from the treasury of the county in which the court is 8863
located. 8864

(5) Every police officer of any municipal corporation and 8865
police constable of a township within the territory of the court 8866
is ex officio a deputy bailiff of the court in and for the 8867
municipal corporation or township ~~within~~ in which ~~he is~~ 8868
commissioned as a police officer or police constable, and shall 8869
perform any duties in respect to cases within ~~his~~ the officer or 8870
constable's jurisdiction that are required ~~of him~~ by a judge of 8871
the court, or by the clerk or a bailiff or deputy bailiff of the 8872
court, without additional compensation. 8873

(6) The bailiff and deputy bailiffs shall perform for the 8874
court services similar to those performed by the sheriff for the 8875
court of common pleas and shall perform any other duties that are 8876
requested by rule of court. 8877

The bailiff or deputy bailiff may administer oaths to 8878
witnesses and jurors and receive verdicts in the same manner and 8879
form and to the same extent as the clerk or deputy clerks of the 8880
court. The bailiff may approve all undertakings and bonds given in 8881
actions of replevin and all redelivery bonds in attachments. 8882

(B) In the Cleveland municipal court, the chief clerks and 8883
all deputy clerks are in the classified civil service of the city 8884
of Cleveland. The clerk, the chief deputy clerks, the probation 8885
officers, one private secretary, one personal stenographer to the 8886
clerk, and one personal bailiff to each judge are in the 8887
unclassified civil service of the city of Cleveland. Upon demand 8888
of the clerk, the civil service commission of the city of 8889
Cleveland shall certify a list of those eligible for the position 8890
of deputy clerk. From the list, the clerk shall designate chief 8891
clerks and the number of deputy clerks that the legislative 8892
authority determines are necessary. 8893

Except as otherwise provided in this division, the bailiff, 8894
chief deputy bailiffs, and all deputy bailiffs of the Cleveland 8895
municipal court appointed after January 1, 1968, and the chief 8896
housing specialist, housing specialists, and housing division 8897
referees of the housing division of the Cleveland municipal court 8898
appointed under section 1901.331 of the Revised Code are in the 8899
unclassified civil service of the city of Cleveland. All deputy 8900
bailiffs of the housing division of the Cleveland municipal court 8901
appointed pursuant to that section are in the classified civil 8902
service of the city of Cleveland. Upon the demand of the judge of 8903
the housing division of the Cleveland municipal court, the civil 8904
service commission of the city of Cleveland shall certify a list 8905
of those eligible for the position of deputy bailiff of the 8906
housing division. From the list, the judge of the housing division 8907
shall designate the number of deputy bailiffs that ~~he~~ the judge 8908
determines are necessary. 8909

The chief deputy clerks, the chief clerks, and all other 8910
deputy clerks of the Cleveland municipal court shall receive the 8911
compensation that the clerk prescribes. Except as provided in 8912
division (A)(4)(a) of section 1901.331 of the Revised Code with 8913
respect to officers and employees of the housing division of the 8914

Cleveland municipal court, the bailiff, all deputy bailiffs, and 8915
assignment room personnel of the Cleveland municipal court shall 8916
receive the compensation that the court prescribes. 8917

Any appointee under sections 1901.01 to 1901.37 of the 8918
Revised Code may be dismissed or discharged by the same power that 8919
appointed ~~him~~ the appointee. In the case of the removal of any 8920
civil service appointee under those sections, an appeal may be 8921
taken from the decision of the civil service commission to the 8922
court of common pleas of Cuyahoga county to determine the 8923
sufficiency of the cause of removal. The appeal shall be taken 8924
within ten days of the finding of the commission. 8925

In the Cleveland municipal court, the presiding judge may 8926
appoint on a full-time, per diem, or contractual basis any 8927
official court reporters for the civil branch of the court that 8928
the business of the court requires. The compensation of official 8929
court reporters shall be determined by the presiding judge of the 8930
court. The compensation shall be payable from the city treasury 8931
and from the treasury of Cuyahoga county in the same proportion as 8932
designated in section 1901.11 of the Revised Code for the payment 8933
of compensation of municipal judges. In every trial in which the 8934
services of a court reporter so appointed are requested by the 8935
judge, any party, or the attorney for any party, there shall be 8936
taxed for each day's services of the court reporter a fee in the 8937
same amount as may be taxed for similar services in the court of 8938
common pleas under section 2301.21 of the Revised Code, to be 8939
collected as other costs in the case. The fees so collected shall 8940
be paid quarterly by the clerk into the city treasury and the 8941
treasury of Cuyahoga county in the same proportion as the 8942
compensation for the court reporters is paid from the city and 8943
county treasuries and shall be credited to the general funds of 8944
the city and county treasuries. 8945

(C) In the Hamilton county municipal court, all employees, 8946

including the bailiff, deputy bailiff, and courtroom bailiffs, are
in the unclassified civil service.

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Sec. 1901.33. (A) The judge or judges of a municipal court
may appoint one or more interpreters, one or more mental health
professionals, one or more probation officers, an assignment
commissioner, deputy assignment commissioners, and other court
aides on a full-time, part-time, hourly, or other basis. Each
appointee shall receive the compensation out of the city treasury
that the legislative authority prescribes in either biweekly
installments or semimonthly installments, as determined by the
payroll administrator, except that in a county-operated municipal
court they shall receive the compensation out of the treasury of
the county in which the court is located that the board of county
commissioners prescribes. Probation officers have all the powers
of regular police officers and shall perform any duties that are
designated by the judge or judges of the court. Assignment
commissioners shall assign cases for trial and perform any other
duties that the court directs.

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The judge or judges may appoint one or more typists,
stenographers, statistical clerks, and official court reporters,
each of whom shall be paid the compensation out of the city
treasury that the legislative authority prescribes, except that in
a county-operated municipal court they shall be paid the
compensation out of the treasury of the county in which the court
is located that the board of county commissioners prescribes.

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(B) If a municipal court appoints one or more probation
officers, those officers shall constitute the municipal court
department of probation unless the court designates other
employees as the department of probation for the court.

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(C) The chief probation officer may grant permission to a
probation officer to carry firearms when required in the discharge

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of the probation officer's official duties if the probation 8978
officer has successfully completed a basic firearm training 8979
program that is approved by the executive director of the Ohio 8980
peace officer training commission. A probation officer who has 8981
been granted permission to carry a firearm in the discharge of the 8982
probation officer's official duties annually shall successfully 8983
complete a firearms requalification program in accordance with 8984
section 109.801 of the Revised Code. 8985

(D) The judge or judges of a municipal court in which the 8986
clerk of the court is elected as provided in division (A)(1)(a) or 8987
(d) or (A)(2)(b) of section 1901.31 of the Revised Code may 8988
appoint an administrative assistant. The administrative assistant 8989
shall have charge of personnel related matters of the court and 8990
shall perform any other administrative duties assigned by the 8991
court. The administrative assistant shall receive the compensation 8992
out of the city treasury that the court prescribes, except that, 8993
in a county-operated municipal court, the administrative assistant 8994
shall receive the compensation out of the treasury of the county 8995
in which the court is located that the court prescribes. 8996

Sec. 2151.357. (A)(1) In the manner prescribed by division 8997
(C)(1) or (2) of section 3313.64 of the Revised Code, as 8998
applicable, the court, at the time of making any order that 8999
removes a child from the child's own home or that vests legal or 9000
permanent custody of the child in a person other than the child's 9001
parent or a government agency, shall determine the school district 9002
that is to bear the cost of educating the child. The court shall 9003
make the determination a part of the order that provides for the 9004
child's placement or commitment. That school district shall bear 9005
the cost of educating the child unless and until the court 9006
modifies its order pursuant to division (A)(2) of this section. 9007

(2) If, while the child is in the custody of a person other 9008

than the child's parent or a government agency, the department of education notifies the court that the place of residence of the child's parent has changed since the court issued its initial order, the court may modify its order to name a different school district to bear the cost of educating the child. The department may submit the notice to the court upon receipt, from the school district initially ordered to bear the cost of educating the child, of evidence acceptable to the department that the residence of the child's parent has changed since the court issued its initial order. In the notice to the court, the department shall recommend to the court whether a different district should be ordered to bear the cost of educating the child and, if so, which district should be so ordered. The department shall recommend to the court the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order shall continue to bear the cost of educating the child.

The court may consider the content of a notice by the department of education under division (A)(2) of this section as conclusive evidence as to which school district should bear the cost of educating the child and may amend its order accordingly.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the child's school district as determined by the court shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility.

(C) Whenever a child is placed by the court in a private

institution, school, or residential treatment center or any other 9041
private facility, the state shall pay to the court a subsidy to 9042
help defray the expense of educating the child in an amount equal 9043
to the product of the daily per capita educational cost of the 9044
private facility, as determined pursuant to this section, and the 9045
number of days the child resides at the private facility, provided 9046
that the subsidy shall not exceed twenty-five hundred dollars per 9047
year per child. The daily per capita educational cost of a private 9048
facility shall be determined by dividing the actual program cost 9049
of the private facility or twenty-five hundred dollars, whichever 9050
is less, by three hundred sixty-five days or by three hundred 9051
sixty-six days for years that include February twenty-ninth. The 9052
state shall pay seventy-five per cent of the total subsidy for 9053
each year quarterly to the court. The state may adjust the 9054
remaining twenty-five per cent of the total subsidy to be paid to 9055
the court for each year to an amount that is less than twenty-five 9056
per cent of the total subsidy for that year based upon the 9057
availability of funds appropriated to the department of education 9058
for the purpose of subsidizing courts that place a child in a 9059
private institution, school, or residential treatment center or 9060
any other private facility and shall pay that adjusted amount to 9061
the court at the end of the year. 9062

Sec. 2305.2341. (A) The medical liability insurance 9063
reimbursement program is hereby established. Free clinics, 9064
including the clinics' staff and volunteer health care 9065
professionals and volunteer health care workers, may participate 9066
in the medical liability insurance reimbursement program 9067
established by this section. The coverage provided under the 9068
program shall be limited to claims that arise out of the 9069
diagnosis, treatment, and care of patients of free clinics, as 9070
defined in division (D)(1) of this section. 9071

(B) A free clinic is eligible to receive reimbursement under 9072

the medical liability insurance reimbursement program for the 9073
premiums that the clinic pays for medical liability insurance 9074
coverage for the clinic, its staff, and volunteer health care 9075
professionals and health care workers. Free clinics shall register 9076
with the department of health by the thirty-first day of January 9077
of each year in order to participate in and to obtain 9078
reimbursement under the program. Free clinics shall provide all of 9079
the following to the department of health at the time of 9080
registration: 9081

(1) A statement of the number of volunteer and paid health 9082
care professionals and health care workers providing health care 9083
services at the free clinic at that time; 9084

(2) A statement of the number of health care services 9085
rendered by the free clinic during the previous fiscal year; 9086

(3) A signed form acknowledging that the free clinic agrees 9087
to follow its medical liability insurer's risk management and loss 9088
prevention policies; 9089

(4) A copy of the medical liability insurance policy 9090
purchased by the free clinic, or the policy's declaration page, 9091
and documentation of the premiums paid by the clinic. 9092

(C) The department of health shall reimburse free clinics 9093
participating in the professional liability insurance 9094
reimbursement program for up to eighty per cent of the premiums 9095
that the free clinic pays for medical liability insurance coverage 9096
up to twenty thousand dollars. Appropriations to the department of 9097
health may be made from the general fund of the state for this 9098
purpose. 9099

(D) As used in this section: 9100

(1) "Free clinic" means a nonprofit organization exempt from 9101
federal income taxation under section 501(c)(3) of the "Internal 9102

Revenue Code of 1986," as amended, or a program component of a nonprofit organization, whose primary mission is to provide health care services for free or for a minimal administrative fee to individuals with limited resources. A free clinic facilitates the delivery of health care services through the use of volunteer health care professionals and voluntary care networks. For this purpose, a free clinic shall comply with all of the following:

(a) If a free clinic does request a minimal administrative fee, a free clinic shall not deny an individual access to its health care services based on an individual's ability to pay the fee.

(b) A free clinic shall not bill a patient for health care services rendered.

(c) Free clinics shall not perform operations, as defined by divisions (A)(9) and (F)(1)(b) of section 2305.234 of the Revised Code.

A clinic is not a free clinic if the clinic bills medicaid, medicare, or other third-party payers for health care services rendered at the clinic, and receives twenty-five per cent or more of the clinic's annual revenue from the third-party payments.

(2) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

Sec. 2503.20. When requested by the supreme court, the reporter of the supreme court shall attend its sessions and consultations and shall report and prepare its decisions for publication under its direction. The reporter shall prepare for publication and edit, tabulate, and index those opinions and decisions of any court of appeals furnished ~~him~~ the reporter for publication by any such court, and such opinions and decisions of any of the inferior courts, as may be designated by ~~him~~ the

reporter and approved by the chief justice of the supreme court. 9133
No cases in any court of appeals shall be reported for publication 9134
except those selected by that court of appeals, or by a majority 9135
of the judges thereof. 9136

The supreme court may appoint assistants necessary to carry 9137
on the work of the reporter's office. The court shall fix the 9138
compensation of each assistant, which compensation shall be paid 9139
out of the state treasury upon the warrant of the ~~auditor of state~~ 9140
director of budget and management. 9141

Whenever a case is reported for publication, the syllabus of 9142
such case shall be prepared by the judge delivering the opinion, 9143
and approved by a majority of the members of the court. Such 9144
report may be per curiam, or if an opinion is reported, such 9145
opinion shall be written in as concise form as may be consistent 9146
with a clear presentation of the law of the case. Opinions for 9147
permanent publication in book form shall be furnished to the 9148
reporter and to no other person. All such cases shall be reported 9149
in accordance with this section before they are recognized by and 9150
receive the official sanction of any court. 9151

Sec. 2913.01. As used in this chapter, unless the context 9152
requires that a term be given a different meaning: 9153

(A) "Deception" means knowingly deceiving another or causing 9154
another to be deceived by any false or misleading representation, 9155
by withholding information, by preventing another from acquiring 9156
information, or by any other conduct, act, or omission that 9157
creates, confirms, or perpetuates a false impression in another, 9158
including a false impression as to law, value, state of mind, or 9159
other objective or subjective fact. 9160

(B) "Defraud" means to knowingly obtain, by deception, some 9161
benefit for oneself or another, or to knowingly cause, by 9162
deception, some detriment to another. 9163

- (C) "Deprive" means to do any of the following: 9164
- (1) Withhold property of another permanently, or for a period 9165
that appropriates a substantial portion of its value or use, or 9166
with purpose to restore it only upon payment of a reward or other 9167
consideration; 9168
- (2) Dispose of property so as to make it unlikely that the 9169
owner will recover it; 9170
- (3) Accept, use, or appropriate money, property, or services, 9171
with purpose not to give proper consideration in return for the 9172
money, property, or services, and without reasonable justification 9173
or excuse for not giving proper consideration. 9174
- (D) "Owner" means, unless the context requires a different 9175
meaning, any person, other than the actor, who is the owner of, 9176
who has possession or control of, or who has any license or 9177
interest in property or services, even though the ownership, 9178
possession, control, license, or interest is unlawful. 9179
- (E) "Services" include labor, personal services, professional 9180
services, public utility services including wireless service as 9181
defined in division (F)(1) of section 4931.40 of the Revised Code, 9182
common carrier services, and food, drink, transportation, 9183
entertainment, and cable television services and, for purposes of 9184
section 2913.04 of the Revised Code, include cable services as 9185
defined in that section. 9186
- (F) "Writing" means any computer software, document, letter, 9187
memorandum, note, paper, plate, data, film, or other thing having 9188
in or upon it any written, typewritten, or printed matter, and any 9189
token, stamp, seal, credit card, badge, trademark, label, or other 9190
symbol of value, right, privilege, license, or identification. 9191
- (G) "Forge" means to fabricate or create, in whole or in part 9192
and by any means, any spurious writing, or to make, execute, 9193

alter, complete, reproduce, or otherwise purport to authenticate 9194
any writing, when the writing in fact is not authenticated by that 9195
conduct. 9196

(H) "Utter" means to issue, publish, transfer, use, put or 9197
send into circulation, deliver, or display. 9198

(I) "Coin machine" means any mechanical or electronic device 9199
designed to do both of the following: 9200

(1) Receive a coin, bill, or token made for that purpose; 9201

(2) In return for the insertion or deposit of a coin, bill, 9202
or token, automatically dispense property, provide a service, or 9203
grant a license. 9204

(J) "Slug" means an object that, by virtue of its size, 9205
shape, composition, or other quality, is capable of being inserted 9206
or deposited in a coin machine as an improper substitute for a 9207
genuine coin, bill, or token made for that purpose. 9208

(K) "Theft offense" means any of the following: 9209

(1) A violation of section 2911.01, 2911.02, 2911.11, 9210
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 9211
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 9212
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 9213
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 9214
2915.05, or 2921.41 of the Revised Code; 9215

(2) A violation of an existing or former municipal ordinance 9216
or law of this or any other state, or of the United States, 9217
substantially equivalent to any section listed in division (K)(1) 9218
of this section or a violation of section 2913.41, 2913.81, or 9219
2915.06 of the Revised Code as it existed prior to July 1, 1996; 9220

(3) An offense under an existing or former municipal 9221
ordinance or law of this or any other state, or of the United 9222
States, involving robbery, burglary, breaking and entering, theft, 9223

embezzlement, wrongful conversion, forgery, counterfeiting, 9224
deceit, or fraud; 9225

(4) A conspiracy or attempt to commit, or complicity in 9226
committing, any offense under division (K)(1), (2), or (3) of this 9227
section. 9228

(L) "Computer services" includes, but is not limited to, the 9229
use of a computer system, computer network, computer program, data 9230
that is prepared for computer use, or data that is contained 9231
within a computer system or computer network. 9232

(M) "Computer" means an electronic device that performs 9233
logical, arithmetic, and memory functions by the manipulation of 9234
electronic or magnetic impulses. "Computer" includes, but is not 9235
limited to, all input, output, processing, storage, computer 9236
program, or communication facilities that are connected, or 9237
related, in a computer system or network to an electronic device 9238
of that nature. 9239

(N) "Computer system" means a computer and related devices, 9240
whether connected or unconnected, including, but not limited to, 9241
data input, output, and storage devices, data communications 9242
links, and computer programs and data that make the system capable 9243
of performing specified special purpose data processing tasks. 9244

(O) "Computer network" means a set of related and remotely 9245
connected computers and communication facilities that includes 9246
more than one computer system that has the capability to transmit 9247
among the connected computers and communication facilities through 9248
the use of computer facilities. 9249

(P) "Computer program" means an ordered set of data 9250
representing coded instructions or statements that, when executed 9251
by a computer, cause the computer to process data. 9252

(Q) "Computer software" means computer programs, procedures, 9253

and other documentation associated with the operation of a 9254
computer system. 9255

(R) "Data" means a representation of information, knowledge, 9256
facts, concepts, or instructions that are being or have been 9257
prepared in a formalized manner and that are intended for use in a 9258
computer, computer system, or computer network. For purposes of 9259
section 2913.47 of the Revised Code, "data" has the additional 9260
meaning set forth in division (A) of that section. 9261

(S) "Cable television service" means any services provided by 9262
or through the facilities of any cable television system or other 9263
similar closed circuit coaxial cable communications system, or any 9264
microwave or similar transmission service used in connection with 9265
any cable television system or other similar closed circuit 9266
coaxial cable communications system. 9267

(T) "Gain access" means to approach, instruct, communicate 9268
with, store data in, retrieve data from, or otherwise make use of 9269
any resources of a computer, computer system, or computer network, 9270
or any cable service or cable system both as defined in section 9271
2913.04 of the Revised Code. 9272

(U) "Credit card" includes, but is not limited to, a card, 9273
code, device, or other means of access to a customer's account for 9274
the purpose of obtaining money, property, labor, or services on 9275
credit, or for initiating an electronic fund transfer at a 9276
point-of-sale terminal, an automated teller machine, or a cash 9277
dispensing machine. It also includes a county procurement card 9278
issued under section 301.29 of the Revised Code. 9279

(V) "Electronic fund transfer" has the same meaning as in 9280
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 9281

(W) "Rented property" means personal property in which the 9282
right of possession and use of the property is for a short and 9283
possibly indeterminate term in return for consideration; the 9284

rentee generally controls the duration of possession of the 9285
property, within any applicable minimum or maximum term; and the 9286
amount of consideration generally is determined by the duration of 9287
possession of the property. 9288

(X) "Telecommunication" means the origination, emission, 9289
dissemination, transmission, or reception of data, images, 9290
signals, sounds, or other intelligence or equivalence of 9291
intelligence of any nature over any communications system by any 9292
method, including, but not limited to, a fiber optic, electronic, 9293
magnetic, optical, digital, or analog method. 9294

(Y) "Telecommunications device" means any instrument, 9295
equipment, machine, or other device that facilitates 9296
telecommunication, including, but not limited to, a computer, 9297
computer network, computer chip, computer circuit, scanner, 9298
telephone, cellular telephone, pager, personal communications 9299
device, transponder, receiver, radio, modem, or device that 9300
enables the use of a modem. 9301

(Z) "Telecommunications service" means the providing, 9302
allowing, facilitating, or generating of any form of 9303
telecommunication through the use of a telecommunications device 9304
over a telecommunications system. 9305

(AA) "Counterfeit telecommunications device" means a 9306
telecommunications device that, alone or with another 9307
telecommunications device, has been altered, constructed, 9308
manufactured, or programmed to acquire, intercept, receive, or 9309
otherwise facilitate the use of a telecommunications service or 9310
information service without the authority or consent of the 9311
provider of the telecommunications service or information service. 9312
"Counterfeit telecommunications device" includes, but is not 9313
limited to, a clone telephone, clone microchip, tumbler telephone, 9314
or tumbler microchip; a wireless scanning device capable of 9315

acquiring, intercepting, receiving, or otherwise facilitating the 9316
use of telecommunications service or information service without 9317
immediate detection; or a device, equipment, hardware, or software 9318
designed for, or capable of, altering or changing the electronic 9319
serial number in a wireless telephone. 9320

(BB)(1) "Information service" means, subject to division 9321
(BB)(2) of this section, the offering of a capability for 9322
generating, acquiring, storing, transforming, processing, 9323
retrieving, utilizing, or making available information via 9324
telecommunications, including, but not limited to, electronic 9325
publishing. 9326

(2) "Information service" does not include any use of a 9327
capability of a type described in division (BB)(1) of this section 9328
for the management, control, or operation of a telecommunications 9329
system or the management of a telecommunications service. 9330

(CC) "Elderly person" means a person who is sixty-five years 9331
of age or older. 9332

(DD) "Disabled adult" means a person who is eighteen years of 9333
age or older and has some impairment of body or mind that makes 9334
the person unable to work at any substantially remunerative 9335
employment that the person otherwise would be able to perform and 9336
that will, with reasonable probability, continue for a period of 9337
at least twelve months without any present indication of recovery 9338
from the impairment, or who is eighteen years of age or older and 9339
has been certified as permanently and totally disabled by an 9340
agency of this state or the United States that has the function of 9341
so classifying persons. 9342

(EE) "Firearm" and "dangerous ordnance" have the same 9343
meanings as in section 2923.11 of the Revised Code. 9344

(FF) "Motor vehicle" has the same meaning as in section 9345
4501.01 of the Revised Code. 9346

(GG) "Dangerous drug" has the same meaning as in section 9347
4729.01 of the Revised Code. 9348

(HH) "Drug abuse offense" has the same meaning as in section 9349
2925.01 of the Revised Code. 9350

(II)(1) "Computer hacking" means any of the following: 9351

(a) Gaining access or attempting to gain access to all or 9352
part of a computer, computer system, or a computer network without 9353
express or implied authorization with the intent to defraud or 9354
with intent to commit a crime; 9355

(b) Misusing computer or network services including, but not 9356
limited to, mail transfer programs, file transfer programs, proxy 9357
servers, and web servers by performing functions not authorized by 9358
the owner of the computer, computer system, or computer network or 9359
other person authorized to give consent. As used in this division, 9360
"misuse of computer and network services" includes, but is not 9361
limited to, the unauthorized use of any of the following: 9362

(i) Mail transfer programs to send mail to persons other than 9363
the authorized users of that computer or computer network; 9364

(ii) File transfer program proxy services or proxy servers to 9365
access other computers, computer systems, or computer networks; 9366

(iii) Web servers to redirect users to other web pages or web 9367
servers. 9368

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 9369
using a group of computer programs commonly known as "port 9370
scanners" or "probes" to intentionally access any computer, 9371
computer system, or computer network without the permission of the 9372
owner of the computer, computer system, or computer network or 9373
other person authorized to give consent. The group of computer 9374
programs referred to in this division includes, but is not limited 9375
to, those computer programs that use a computer network to access 9376

a computer, computer system, or another computer network to 9377
determine any of the following: the presence or types of computers 9378
or computer systems on a network; the computer network's 9379
facilities and capabilities; the availability of computer or 9380
network services; the presence or versions of computer software 9381
including, but not limited to, operating systems, computer 9382
services, or computer contaminants; the presence of a known 9383
computer software deficiency that can be used to gain unauthorized 9384
access to a computer, computer system, or computer network; or any 9385
other information about a computer, computer system, or computer 9386
network not necessary for the normal and lawful operation of the 9387
computer initiating the access. 9388

(ii) The group of computer programs referred to in division 9389
(II)(1)(c)(i) of this section does not include standard computer 9390
software used for the normal operation, administration, 9391
management, and test of a computer, computer system, or computer 9392
network including, but not limited to, domain name services, mail 9393
transfer services, and other operating system services, computer 9394
programs commonly called "ping," "tcpdump," and "traceroute" and 9395
other network monitoring and management computer software, and 9396
computer programs commonly known as "nslookup" and "whois" and 9397
other systems administration computer software. 9398

(d) The intentional use of a computer, computer system, or a 9399
computer network in a manner that exceeds any right or permission 9400
granted by the owner of the computer, computer system, or computer 9401
network or other person authorized to give consent. 9402

(2) "Computer hacking" does not include the introduction of a 9403
computer contaminant, as defined in section 2909.02 of the Revised 9404
Code, into a computer, computer system, computer program, or 9405
computer network. 9406

(JJ) "Police dog or horse" ~~and "service dog"~~ have has the 9407

same ~~meanings~~ meaning as in section 2921.321 of the Revised Code. 9408

(KK) "Anhydrous ammonia" is a compound formed by the 9409
combination of two gaseous elements, nitrogen and hydrogen, in the 9410
manner described in this division. Anhydrous ammonia is one part 9411
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 9412
weight is fourteen parts nitrogen to three parts hydrogen, which 9413
is approximately eighty-two per cent nitrogen to eighteen per cent 9414
hydrogen. 9415

(LL) "Assistance dog" has the same meaning as in section 9416
955.011 of the Revised Code. 9417

Sec. 2913.02. (A) No person, with purpose to deprive the 9418
owner of property or services, shall knowingly obtain or exert 9419
control over either the property or services in any of the 9420
following ways: 9421

(1) Without the consent of the owner or person authorized to 9422
give consent; 9423

(2) Beyond the scope of the express or implied consent of the 9424
owner or person authorized to give consent; 9425

(3) By deception; 9426

(4) By threat; 9427

(5) By intimidation. 9428

(B)(1) Whoever violates this section is guilty of theft. 9429

(2) Except as otherwise provided in this division or division 9430
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 9431
this section is petty theft, a misdemeanor of the first degree. If 9432
the value of the property or services stolen is five hundred 9433
dollars or more and is less than five thousand dollars or if the 9434
property stolen is any of the property listed in section 2913.71 9435
of the Revised Code, a violation of this section is theft, a 9436

felony of the fifth degree. If the value of the property or
services stolen is five thousand dollars or more and is less than
one hundred thousand dollars, a violation of this section is grand
theft, a felony of the fourth degree. If the value of the property
or services stolen is one hundred thousand dollars or more and is
less than five hundred thousand dollars, a violation of this
section is aggravated theft, a felony of the third degree. If the
value of the property or services is five hundred thousand dollars
or more and is less than one million dollars, a violation of this
section is aggravated theft, a felony of the second degree. If the
value of the property or services stolen is one million dollars or
more, a violation of this section is aggravated theft of one
million dollars or more, a felony of the first degree.

(3) Except as otherwise provided in division (B)(4), (5),
(6), (7), or (8) of this section, if the victim of the offense is
an elderly person or disabled adult, a violation of this section
is theft from an elderly person or disabled adult, and division
(B)(3) of this section applies. Except as otherwise provided in
this division, theft from an elderly person or disabled adult is a
felony of the fifth degree. If the value of the property or
services stolen is five hundred dollars or more and is less than
five thousand dollars, theft from an elderly person or disabled
adult is a felony of the fourth degree. If the value of the
property or services stolen is five thousand dollars or more and
is less than twenty-five thousand dollars, theft from an elderly
person or disabled adult is a felony of the third degree. If the
value of the property or services stolen is twenty-five thousand
dollars or more and is less than one hundred thousand dollars,
theft from an elderly person or disabled adult is a felony of the
second degree. If the value of the property or services stolen is
one hundred thousand dollars or more, theft from an elderly person
or disabled adult is a felony of the first degree.

(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft, a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. The offender shall serve the prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree.

(6) If the property stolen is any dangerous drug, a violation of this section is theft of drugs, a felony of the fourth degree, or, if the offender previously has been convicted of a felony drug abuse offense, a felony of the third degree.

(7) If the property stolen is a police dog or horse or a ~~service~~ an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or ~~service~~ an assistance dog, a violation of this section is theft of a police dog or horse or ~~service~~ an assistance dog, a felony of the third degree.

(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a felony of the third degree.

(9) In addition to the penalties described in division (B)(2) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

(a) Unless division (B)(9)(b) of this section applies,

suspend for not more than six months the offender's driver's 9500
license, probationary driver's license, commercial driver's 9501
license, temporary instruction permit, or nonresident operating 9502
privilege; 9503

(b) If the offender's driver's license, probationary driver's 9504
license, commercial driver's license, temporary instruction 9505
permit, or nonresident operating privilege has previously been 9506
suspended pursuant to division (B)(9)(a) of this section, impose a 9507
class seven suspension of the offender's license, permit, or 9508
privilege from the range specified in division (A)(7) of section 9509
4510.02 of the Revised Code, provided that the suspension shall be 9510
for at least six months. 9511

(C) The sentencing court that suspends an offender's license, 9512
permit, or nonresident operating privilege under division (B)(9) 9513
of this section may grant the offender limited driving privileges 9514
during the period of the suspension in accordance with Chapter 9515
4510. of the Revised Code. 9516

Sec. 2921.321. (A) No person shall knowingly cause, or 9517
attempt to cause, physical harm to a police dog or horse in either 9518
of the following circumstances: 9519

(1) The police dog or horse is assisting a law enforcement 9520
officer in the performance of the officer's official duties at the 9521
time the physical harm is caused or attempted. 9522

(2) The police dog or horse is not assisting a law 9523
enforcement officer in the performance of the officer's official 9524
duties at the time the physical harm is caused or attempted, but 9525
the offender has actual knowledge that the dog or horse is a 9526
police dog or horse. 9527

(B) No person shall recklessly do any of the following: 9528

(1) Taunt, torment, or strike a police dog or horse; 9529

(2) Throw an object or substance at a police dog or horse;	9530
(3) Interfere with or obstruct a police dog or horse, or	9531
interfere with or obstruct a law enforcement officer who is being	9532
assisted by a police dog or horse, in a manner that does any of	9533
the following:	9534
(a) Inhibits or restricts the law enforcement officer's	9535
control of the police dog or horse;	9536
(b) Deprives the law enforcement officer of control of the	9537
police dog or horse;	9538
(c) Releases the police dog or horse from its area of	9539
control;	9540
(d) Enters the area of control of the police dog or horse	9541
without the consent of the law enforcement officer, including	9542
placing food or any other object or substance into that area;	9543
(e) Inhibits or restricts the ability of the police dog or	9544
horse to assist a law enforcement officer.	9545
(4) Engage in any conduct that is likely to cause serious	9546
physical injury or death to a police dog or horse;	9547
(5) If the person is the owner, keeper, or harbinger of a dog,	9548
fail to reasonably restrain the dog from taunting, tormenting,	9549
chasing, approaching in a menacing fashion or apparent attitude of	9550
attack, or attempting to bite or otherwise endanger a police dog	9551
or horse that at the time of the conduct is assisting a law	9552
enforcement officer in the performance of the officer's duties or	9553
that the person knows is a police dog or horse.	9554
(C) No person shall knowingly cause, or attempt to cause,	9555
physical harm to a service <u>an assistance</u> dog in either of the	9556
following circumstances:	9557
(1) The service dog is assisting or serving a blind, deaf <u>or</u>	9558
<u>hearing impaired</u> , or mobility impaired person or person with a	9559

~~seizure disorder~~ at the time the physical harm is caused or 9560
attempted. 9561

(2) The ~~service~~ dog is not assisting or serving a blind, deaf 9562
or hearing impaired, or mobility impaired person ~~or person with a~~ 9563
~~seizure disorder~~ at the time the physical harm is caused or 9564
attempted, but the offender has actual knowledge that the dog is a 9565
service an assistance dog. 9566

(D) No person shall recklessly do any of the following: 9567

(1) Taunt, torment, or strike a ~~service~~ an assistance dog; 9568

(2) Throw an object or substance at a ~~service~~ an assistance 9569
dog; 9570

(3) Interfere with or obstruct a ~~service~~ an assistance dog, 9571
or interfere with or obstruct a blind, deaf or hearing impaired, 9572
or mobility impaired person ~~or person with a seizure disorder~~ who 9573
is being assisted or served by a ~~service~~ an assistance dog, in a 9574
manner that does any of the following: 9575

(a) Inhibits or restricts the assisted or served person's 9576
control of the ~~service~~ dog; 9577

(b) Deprives the assisted or served person of control of the 9578
~~service~~ dog; 9579

(c) Releases the ~~service~~ dog from its area of control; 9580

(d) Enters the area of control of the ~~service~~ dog without the 9581
consent of the assisted or served person, including placing food 9582
or any other object or substance into that area; 9583

(e) Inhibits or restricts the ability of the ~~service~~ dog to 9584
assist the assisted or served person. 9585

(4) Engage in any conduct that is likely to cause serious 9586
physical injury or death to a ~~service~~ an assistance dog; 9587

(5) If the person is the owner, keeper, or harbinger of a dog, 9588

fail to reasonably restrain the dog from taunting, tormenting, 9589
chasing, approaching in a menacing fashion or apparent attitude of 9590
attack, or attempting to bite or otherwise endanger ~~a service~~ an 9591
assistance dog that at the time of the conduct is assisting or 9592
serving a blind, deaf or hearing impaired, or mobility impaired 9593
person ~~or person with a seizure disorder~~ or that the person knows 9594
is ~~a service~~ an assistance dog. 9595

(E)(1) Whoever violates division (A) of this section is 9596
guilty of assaulting a police dog or horse. Except as otherwise 9597
provided in this division, assaulting a police dog or horse is a 9598
misdemeanor of the second degree. If the violation results in the 9599
death of the police dog or horse, assaulting a police dog or horse 9600
is a felony of the third degree. If the violation results in 9601
serious physical harm to the police dog or horse other than its 9602
death, assaulting a police dog or horse is a felony of the fourth 9603
degree. If the violation results in physical harm to the police 9604
dog or horse other than death or serious physical harm, assaulting 9605
a police dog or horse is a misdemeanor of the first degree. 9606

(2) Whoever violates division (B) of this section is guilty 9607
of harassing a police dog or horse. Except as otherwise provided 9608
in this division, harassing a police dog or horse is a misdemeanor 9609
of the second degree. If the violation results in the death of the 9610
police dog or horse, harassing a police dog or horse is a felony 9611
of the third degree. If the violation results in serious physical 9612
harm to the police dog or horse, but does not result in its death, 9613
harassing a police dog or horse, is a felony of the fourth degree. 9614
If the violation results in physical harm to the police dog or 9615
horse, but does not result in its death or in serious physical 9616
harm to it, harassing a police dog or horse is a misdemeanor of 9617
the first degree. 9618

(3) Whoever violates division (C) of this section is guilty 9619
of assaulting ~~a service~~ an assistance dog. Except as otherwise 9620

provided in this division, assaulting a ~~service~~ an assistance dog 9621
is a misdemeanor of the second degree. If the violation results in 9622
the death of the ~~service~~ assistance dog, assaulting a ~~service~~ an 9623
assistance dog is a felony of the third degree. If the violation 9624
results in serious physical harm to the ~~service~~ assistance dog 9625
other than its death, assaulting a ~~service~~ an assistance dog is a 9626
felony of the fourth degree. If the violation results in physical 9627
harm to the ~~service~~ assistance dog other than death or serious 9628
physical harm, assaulting a ~~service~~ an assistance dog is a 9629
misdemeanor of the first degree. 9630

(4) Whoever violates division (D) of this section is guilty 9631
of harassing a ~~service~~ an assistance dog. Except as otherwise 9632
provided in this division, harassing a ~~service~~ an assistance dog 9633
is a misdemeanor of the second degree. If the violation results in 9634
the death of the ~~service~~ assistance dog, harassing a ~~service~~ an 9635
assistance dog is a felony of the third degree. If the violation 9636
results in serious physical harm to the ~~service~~ assistance dog, 9637
but does not result in its death, harassing a ~~service~~ an 9638
assistance dog is a felony of the fourth degree. If the violation 9639
results in physical harm to the ~~service~~ assistance dog, but does 9640
not result in its death or in serious physical harm to it, 9641
harassing a ~~service~~ an assistance dog is a misdemeanor of the 9642
first degree. 9643

(5) In addition to any other sanction or penalty imposed for 9644
the offense under this section, Chapter 2929., or any other 9645
provision of the Revised Code, whoever violates division (A), (B), 9646
(C), or (D) of this section is responsible for the payment of all 9647
of the following: 9648

(a) Any veterinary bill or bill for medication incurred as a 9649
result of the violation by the police department regarding a 9650
violation of division (A) or (B) of this section or by the blind, 9651
deaf or hearing impaired, or mobility impaired person ~~or person~~ 9652

~~with a seizure disorder~~ assisted or served by the ~~service~~ assistance dog regarding a violation of division (C) or (D) of this section; 9653
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(b) The cost of any damaged equipment that results from the violation; 9656
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(c) If the violation did not result in the death of the police dog or horse or the ~~service~~ assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or ~~a service~~ an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person ~~or person with a seizure disorder~~ assisted or served by the ~~service~~ assistance dog; 9658
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(d) If the violation resulted in the death of the police dog or horse or the ~~service~~ assistance dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new ~~service~~ assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person ~~or person with a seizure disorder~~ assisted or served by the ~~service~~ assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation. 9668
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(F) This section does not apply to a licensed veterinarian whose conduct is in accordance with Chapter 4741. of the Revised Code. 9681
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(G) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or ~~service~~ assistance dog that is the subject of a violation under this section is a police dog or horse or ~~service~~ an assistance dog.

(H) As used in this section:

(1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.

(3) "Serious physical harm" means any of the following:

(a) Any physical harm that carries a substantial risk of death;

(b) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;

(c) Any physical harm that causes acute pain of a duration that results in substantial suffering.

(4) "~~Service Assistance dog,~~" ~~means a dog that serves as a guide or leader for a blind person, serves as a listener for a deaf person, provides support or assistance for a mobility impaired person, or serves as a seizure assistance, seizure response, or seizure alert dog for a person with any seizure disorder.~~

~~(5) "Blind blind," and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code.~~

Sec. 2923.46. (A) If property is seized pursuant to section 2923.44 or 2923.45 of the Revised Code, it is considered to be in the custody of the head of the law enforcement agency that seized

it, and the head of that agency may do any of the following with 9713
respect to that property prior to its disposition in accordance 9714
with division (A)(4) or (B) of this section: 9715

(1) Place the property under seal; 9716

(2) Remove the property to a place that the head of that 9717
agency designates; 9718

(3) Request the issuance of a court order that requires any 9719
other appropriate municipal corporation, county, township, park 9720
district created pursuant to section 511.18 or 1545.01 of the 9721
Revised Code, or state law enforcement officer or other officer to 9722
take custody of the property and, if practicable, remove it to an 9723
appropriate location for eventual disposition in accordance with 9724
division (B) of this section; 9725

(4)(a) Seek forfeiture of the property pursuant to federal 9726
law. If the head of that agency seeks its forfeiture pursuant to 9727
federal law, the law enforcement agency shall deposit, use, and 9728
account for proceeds from a sale of the property upon its 9729
forfeiture, proceeds from another disposition of the property upon 9730
its forfeiture, or forfeited moneys it receives, in accordance 9731
with the applicable federal law and otherwise shall comply with 9732
that law. 9733

(b) If the state highway patrol seized the property and if 9734
the superintendent of the state highway patrol seeks its 9735
forfeiture pursuant to federal law, the appropriate governmental 9736
officials shall deposit ~~into the highway patrol federal~~ 9737
~~contraband, forfeiture, and other fund~~ all interest or other 9738
earnings derived from the investment of the proceeds from a sale 9739
of the property upon its forfeiture, the proceeds from another 9740
disposition of the property upon its forfeiture, or the forfeited 9741
moneys into the highway patrol justice contraband fund or the 9742
highway patrol treasury contraband fund, as applicable. The state 9743

highway patrol shall use and account for that interest or other 9744
earnings in accordance with the applicable federal law. 9745

(c) Division (B) of this section and divisions (D)(1) to (3) 9746
of section 2933.43 of the Revised Code do not apply to proceeds or 9747
forfeited moneys received pursuant to federal law or to the 9748
interest or other earnings that are derived from the investment of 9749
proceeds or forfeited moneys received pursuant to federal law and 9750
that are described in division (A)(4)(b) of this section. 9751

(B) In addition to complying with any requirements imposed by 9752
a court pursuant to section 2923.44 or 2923.45 of the Revised 9753
Code, and the requirements imposed by those sections, in relation 9754
to the disposition of property forfeited to the state under either 9755
of those sections, the prosecuting attorney who is responsible for 9756
its disposition shall dispose of the property as follows: 9757

(1) Any vehicle that was used in a violation of section 9758
2923.42 of the Revised Code or in an act of a juvenile that is a 9759
violation of section 2923.42 of the Revised Code shall be given to 9760
the law enforcement agency of the municipal corporation or county 9761
in which the offense or act occurred if that agency desires to 9762
have the vehicle, except that, if the offense or act occurred in a 9763
township or in a park district created pursuant to section 511.18 9764
or 1545.01 of the Revised Code and a law enforcement officer 9765
employed by the township or the park district was involved in the 9766
seizure of the vehicle, the vehicle may be given to the law 9767
enforcement agency of that township or park district if that 9768
agency desires to have the vehicle, and except that, if the state 9769
highway patrol made the seizure of the vehicle, the vehicle may be 9770
given to the state highway patrol if it desires to have the 9771
vehicle. 9772

(2) Drugs shall be disposed of pursuant to section 3719.11 of 9773
the Revised Code or placed in the custody of the secretary of the 9774
treasury of the United States for disposal or use for medical or 9775

scientific purposes under applicable federal law. 9776

(3) Firearms and dangerous ordnance suitable for police work 9777
may be given to a law enforcement agency for that purpose. 9778
Firearms suitable for sporting use, or as museum pieces or 9779
collectors' items, may be disposed of by sale pursuant to division 9780
(B)(7) of this section. Other firearms and dangerous ordnance 9781
shall be destroyed by a law enforcement agency or shall be sent to 9782
the bureau of criminal identification and investigation for 9783
destruction by it. 9784

(4) Computers, computer networks, computer systems, and 9785
computer software suitable for police work may be given to a law 9786
enforcement agency for that purpose. Other computers, computer 9787
networks, computer systems, and computer software shall be 9788
disposed of by sale pursuant to division (B)(7) of this section or 9789
disposed of in another manner that the court that issued the order 9790
of forfeiture considers proper under the circumstances. 9791

(5) Obscene materials shall be destroyed. 9792

(6) Beer, intoxicating liquor, and alcohol shall be disposed 9793
of in accordance with division (D)(4) of section 2933.41 of the 9794
Revised Code. 9795

(7) In the case of property not described in divisions (B)(1) 9796
to (6) of this section and of property described in those 9797
divisions but not disposed of pursuant to them, the property shall 9798
be sold in accordance with division (B)(7) of this section or, in 9799
the case of forfeited moneys, disposed of in accordance with 9800
division (B)(7) of this section. If the property is to be sold, 9801
the prosecuting attorney shall cause a notice of the proposed sale 9802
of the property to be given in accordance with law, and the 9803
property shall be sold, without appraisal, at a public auction to 9804
the highest bidder for cash. The proceeds of a sale and forfeited 9805
moneys shall be applied in the following order: 9806

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the property, the forfeiture proceeding or civil action, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(7)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by a person who, pursuant to division (F) of section 2923.44 of the Revised Code or division (E) of section 2923.45 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority.

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (B)(7)(a) and (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (B)(7)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program

located anywhere within this state. 9839

(ii) If the forfeiture was ordered in a juvenile court, 9840
ninety per cent, and if the forfeiture was ordered in a court 9841
other than a juvenile court, one hundred per cent to appropriate 9842
funds in accordance with divisions (D)(1)(c) and (2) of section 9843
2933.43 of the Revised Code. The remaining proceeds or forfeited 9844
moneys so deposited shall be used only for the purposes authorized 9845
by those divisions and division (D)(3)(a)(ii) of that section. 9846

(C)(1) Sections 2923.44 to 2923.47 of the Revised Code do not 9847
preclude a financial institution that possessed a valid mortgage, 9848
security interest, or lien that is not satisfied prior to a sale 9849
under division (B)(7) of this section or following a sale by 9850
application of division (B)(7)(b) of this section, from commencing 9851
a civil action in any appropriate court in this or another state 9852
to obtain a deficiency judgment against the debtor if the 9853
financial institution otherwise would have been entitled to do so 9854
in this or another state. 9855

(2) Any law enforcement agency that obtains any vehicle 9856
pursuant to division (B)(1) of this section shall take the vehicle 9857
subject to the outstanding amount of any security interest or lien 9858
that attaches to the vehicle. 9859

(3) Nothing in this section impairs a mortgage, security 9860
interest, lien, or other interest of a financial institution in 9861
property that was the subject of a forfeiture order under section 9862
2923.44 or 2923.45 of the Revised Code and that was sold or 9863
otherwise disposed of in a manner that does not conform to the 9864
requirements of division (B) of this section, or any right of a 9865
financial institution of that nature to commence a civil action in 9866
any appropriate court in this or another state to obtain a 9867
deficiency judgment against the debtor. 9868

(4) Following the sale under division (B)(7) of this section 9869

of any property that is required to be titled or registered under 9870
the law of this state, the prosecuting attorney responsible for 9871
the disposition of the property shall cause the state to issue an 9872
appropriate certificate of title or registration to the purchaser 9873
of the property. If, in a disposition of property pursuant to 9874
division (B) of this section, the state or a political subdivision 9875
is given any property that is required to be titled or registered 9876
under the law of this state, the prosecuting attorney responsible 9877
for the disposition of the property shall cause the state to issue 9878
an appropriate certificate of title or registration to itself or 9879
to the political subdivision. 9880

(D) Property that has been forfeited to the state pursuant to 9881
an order of criminal forfeiture under section 2923.44 of the 9882
Revised Code or an order of civil forfeiture under section 2923.45 9883
of the Revised Code shall not be available for use to pay any fine 9884
imposed upon a person who is convicted of or pleads guilty to a 9885
violation of section 2923.42 of the Revised Code or upon a 9886
juvenile who is found by a juvenile court to be a delinquent child 9887
for an act that is a violation of section 2923.42 of the Revised 9888
Code. 9889

(E) Sections 2923.44 to 2923.47 of the Revised Code do not 9890
prohibit a law enforcement officer from seeking the forfeiture of 9891
contraband associated with a violation of section 2923.42 of the 9892
Revised Code pursuant to section 2933.43 of the Revised Code. 9893

Sec. 2925.44. (A) If property is seized pursuant to section 9894
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 9895
custody of the head of the law enforcement agency that seized it, 9896
and the head of that agency may do any of the following with 9897
respect to that property prior to its disposition in accordance 9898
with division (A)(4) or (B) of this section: 9899

(1) Place the property under seal; 9900

(2) Remove the property to a place that the head of that 9901
agency designates; 9902

(3) Request the issuance of a court order that requires any 9903
other appropriate municipal corporation, county, township, park 9904
district created pursuant to section 511.18 or 1545.01 of the 9905
Revised Code, or state law enforcement officer or other officer to 9906
take custody of the property and, if practicable, remove it to an 9907
appropriate location for eventual disposition in accordance with 9908
division (B) of this section; 9909

(4)(a) Seek forfeiture of the property pursuant to federal 9910
law. If the head of that agency seeks its forfeiture pursuant to 9911
federal law, the law enforcement agency shall deposit, use, and 9912
account for proceeds from a sale of the property upon its 9913
forfeiture, proceeds from another disposition of the property upon 9914
its forfeiture, or forfeited moneys it receives, in accordance 9915
with the applicable federal law and otherwise shall comply with 9916
that law. 9917

(b) If the state highway patrol seized the property and if 9918
the superintendent of the state highway patrol seeks its 9919
forfeiture pursuant to federal law, the appropriate governmental 9920
officials shall deposit ~~into the highway patrol federal~~ 9921
~~contraband, forfeiture, and other fund~~ all interest or other 9922
earnings derived from the investment of the proceeds from a sale 9923
of the property upon its forfeiture, the proceeds from another 9924
disposition of the property upon its forfeiture, or the forfeited 9925
moneys into the highway patrol justice contraband fund or the 9926
highway patrol treasury contraband fund, as applicable. The state 9927
highway patrol shall use and account for that interest or other 9928
earnings in accordance with the applicable federal law. 9929

(c) If the investigative unit of the department of public 9930
safety seized the property and if the director of public safety 9931

seeks its forfeiture pursuant to federal law, the appropriate
governmental officials shall deposit into the department of public
safety investigative unit federal equitable share account fund all
interest or other earnings derived from the investment of the
proceeds from a sale of the property upon its forfeiture, the
proceeds from another disposition of the property upon its
forfeiture, or the forfeited moneys. The department shall use and
account for that interest or other earnings in accordance with the
applicable federal law.

(d) If the enforcement division of the department of taxation
seized the property and if the tax commissioner seeks its
forfeiture pursuant to federal law, the appropriate governmental
officials shall deposit into the department of taxation
enforcement fund all interest or other earnings derived from the
investment of the proceeds from a sale of the property upon its
forfeiture, the proceeds from another disposition of the property
upon its forfeiture, or the forfeited moneys. The department shall
use and account for that interest or other earnings in accordance
with the applicable federal law.

(e) Division (B) of this section and divisions (D)(1) to (3)
of section 2933.43 of the Revised Code do not apply to proceeds or
forfeited moneys received pursuant to federal law or to the
interest or other earnings that are derived from the investment of
proceeds or forfeited moneys received pursuant to federal law and
that are described in division (A)(4)(b) or (d) of this section.

(B) In addition to complying with any requirements imposed by
a court pursuant to section 2925.42 or 2925.43 of the Revised
Code, and the requirements imposed by those sections, in relation
to the disposition of property forfeited to the state under either
of those sections, the prosecuting attorney who is responsible for
its disposition shall dispose of the property as follows:

(1) Any vehicle, as defined in section 4501.01 of the Revised Code, that was used in a felony drug abuse offense or in an act that, if committed by an adult, would be a felony drug abuse offense shall be given to the law enforcement agency of the municipal corporation or county in which the offense occurred if that agency desires to have the vehicle, except that, if the offense occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the vehicle, the vehicle may be given to the law enforcement agency of that township or park district if that agency desires to have the vehicle, and except that, if the state highway patrol made the seizure of the vehicle, the vehicle may be given to the state highway patrol if it desires to have the vehicle.

(2) Any drug paraphernalia that was used, possessed, sold, or manufactured in a violation of section 2925.14 of the Revised Code that would be a felony drug abuse offense or in a violation of that section committed by a juvenile that, if committed by an adult, would be a felony drug abuse offense, may be given to the law enforcement agency of the municipal corporation or county in which the offense occurred if that agency desires to have and can use the drug paraphernalia, except that, if the offense occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the drug paraphernalia, the drug paraphernalia may be given to the law enforcement agency of that township or park district if that agency desires to have and can use the drug paraphernalia. If the drug paraphernalia is not so given, it shall be disposed of by sale pursuant to division (B)(8) of this section or disposed of in another manner that the court that issued the

order of forfeiture considers proper under the circumstances. 9995

(3) Drugs shall be disposed of pursuant to section 3719.11 of 9996
the Revised Code or placed in the custody of the secretary of the 9997
treasury of the United States for disposal or use for medical or 9998
scientific purposes under applicable federal law. 9999

(4) Firearms and dangerous ordnance suitable for police work 10000
may be given to a law enforcement agency for that purpose. 10001
Firearms suitable for sporting use, or as museum pieces or 10002
collectors' items, may be disposed of by sale pursuant to division 10003
(B)(8) of this section. Other firearms and dangerous ordnance 10004
shall be destroyed by a law enforcement agency or shall be sent to 10005
the bureau of criminal identification and investigation for 10006
destruction by it. As used in this division, "firearms" and 10007
"dangerous ordnance" have the same meanings as in section 2923.11 10008
of the Revised Code. 10009

(5) Computers, computer networks, computer systems, and 10010
computer software suitable for police work may be given to a law 10011
enforcement agency for that purpose. Other computers, computer 10012
networks, computer systems, and computer software shall be 10013
disposed of by sale pursuant to division (B)(8) of this section or 10014
disposed of in another manner that the court that issued the order 10015
of forfeiture considers proper under the circumstances. As used in 10016
this division, "computers," "computer networks," "computer 10017
systems," and "computer software" have the same meanings as in 10018
section 2913.01 of the Revised Code. 10019

(6) Obscene materials shall be destroyed. 10020

(7) Beer, intoxicating liquor, and alcohol shall be disposed 10021
of in accordance with division (D)(4) of section 2933.41 of the 10022
Revised Code. 10023

(8) In the case of property not described in divisions (B)(1) 10024
to (7) of this section and of property described in those 10025

divisions but not disposed of pursuant to them, the property shall 10026
be sold in accordance with division (B)(8) of this section or, in 10027
the case of forfeited moneys, disposed of in accordance with 10028
division (B)(8) of this section. If the property is to be sold, 10029
the prosecuting attorney shall cause a notice of the proposed sale 10030
of the property to be given in accordance with law, and the 10031
property shall be sold, without appraisal, at a public auction to 10032
the highest bidder for cash. The proceeds of a sale and forfeited 10033
moneys shall be applied in the following order: 10034

(a) First, to the payment of the costs incurred in connection 10035
with the seizure of, storage of, maintenance of, and provision of 10036
security for the property, the forfeiture proceeding or civil 10037
action, and, if any, the sale; 10038

(b) Second, the remaining proceeds or forfeited moneys after 10039
compliance with division (B)(8)(a) of this section, to the payment 10040
of the value of any legal right, title, or interest in the 10041
property that is possessed by a person who, pursuant to division 10042
(F) of section 2925.42 of the Revised Code or division (E) of 10043
section 2925.43 of the Revised Code, established the validity of 10044
and consequently preserved that legal right, title, or interest, 10045
including, but not limited to, any mortgage, perfected or other 10046
security interest, or other lien in the property. The value of 10047
these rights, titles, or interests shall be paid according to 10048
their record or other order of priority. 10049

(c) Third, the remaining proceeds or forfeited moneys after 10050
compliance with divisions (B)(8)(a) and (b) of this section, as 10051
follows: 10052

(i) If the forfeiture was ordered in a juvenile court, ten 10053
per cent to one or more alcohol and drug addiction treatment 10054
programs that are certified by the department of alcohol and drug 10055
addiction services under section 3793.06 of the Revised Code and 10056

that are specified in the order of forfeiture. A juvenile court
shall not specify an alcohol or drug addiction treatment program
in the order of forfeiture unless the program is a certified
alcohol and drug addiction treatment program and, except as
provided in division (B)(8)(c)(i) of this section, unless the
program is located in the county in which the court that orders
the forfeiture is located or in a contiguous county. If no
certified alcohol and drug addiction treatment program is located
in any of those counties, the juvenile court may specify in the
order a certified alcohol and drug addiction treatment program
located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court,
ninety per cent, and if the forfeiture was ordered in a court
other than a juvenile court, one hundred per cent to appropriate
funds in accordance with divisions (D)(1)(c) and (2) of section
2933.43 of the Revised Code. The remaining proceeds or forfeited
moneys so deposited shall be used only for the purposes authorized
by those divisions and division (D)(3)(a)(ii) of that section.

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not
preclude a financial institution that possessed a valid mortgage,
security interest, or lien that is not satisfied prior to a sale
under division (B)(8) of this section or following a sale by
application of division (B)(8)(b) of this section, from commencing
a civil action in any appropriate court in this or another state
to obtain a deficiency judgment against the debtor if the
financial institution otherwise would have been entitled to do so
in this or another state.

(2) Any law enforcement agency that obtains any vehicle
pursuant to division (B)(1) of this section shall take the vehicle
subject to the outstanding amount of any security interest or lien
that attaches to the vehicle.

(3) Nothing in this section impairs a mortgage, security interest, lien, or other interest of a financial institution in property that was the subject of a forfeiture order under section 2925.42 or 2925.43 of the Revised Code and that was sold or otherwise disposed of in a manner that does not conform to the requirements of division (B) of this section, or any right of a financial institution of that nature to commence a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor.

(4) Following the sale under division (B)(8) of this section of any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to the purchaser of the property. Additionally, if, in a disposition of property pursuant to division (B) of this section, the state or a political subdivision is given any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to itself or to the political subdivision.

(D) Property that has been forfeited to the state pursuant to an order of criminal forfeiture under section 2925.42 of the Revised Code or an order of civil forfeiture under section 2925.43 of the Revised Code shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to a felony drug abuse offense or upon any juvenile who is found by a juvenile court to be a delinquent child for an act that, if committed by an adult, would be a felony drug abuse offense.

(E) Sections 2925.41 to 2925.45 of the Revised Code do not prohibit a law enforcement officer from seeking the forfeiture of contraband associated with a felony drug abuse offense pursuant to

section 2933.43 of the Revised Code.

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Sec. 2933.43. (A)(1) Except as provided in this division or
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to
2925.45 of the Revised Code, a law enforcement officer shall seize
any contraband that has been, is being, or is intended to be used
in violation of division (A) of section 2933.42 of the Revised
Code. A law enforcement officer shall seize contraband that is a
watercraft, motor vehicle, or aircraft and that has been, is
being, or is intended to be used in violation of division (A) of
section 2933.42 of the Revised Code only if the watercraft, motor
vehicle, or aircraft is contraband because of its relationship to
an underlying criminal offense that is a felony.

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Additionally, a law enforcement officer shall seize any
watercraft, motor vehicle, aircraft, or other personal property
that is classified as contraband under division (B) of section
2933.42 of the Revised Code if the underlying offense involved in
the violation of division (A) of that section that resulted in the
watercraft, motor vehicle, aircraft, or personal property being
classified as contraband, is a felony.

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(2) If a law enforcement officer seizes property that is
titled or registered under law, including a motor vehicle,
pursuant to division (A)(1) of this section, the officer or the
officer's employing law enforcement agency shall notify the owner
of the seizure. The notification shall be given to the owner at
the owner's last known address within seventy-two hours after the
seizure, and may be given orally by any means, including
telephone, or by certified mail, return receipt requested.

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If the officer or the officer's agency is unable to provide
the notice required by this division despite reasonable, good
faith efforts to do so, the exercise of the reasonable, good faith
efforts constitutes fulfillment of the notice requirement imposed

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by this division.

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(B)(1) A motor vehicle seized pursuant to division (A)(1) of this section and the contents of the vehicle may be retained for a reasonable period of time, not to exceed seventy-two hours, for the purpose of inspection, investigation, and the gathering of evidence of any offense or illegal use.

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At any time prior to the expiration of the seventy-two-hour period, the law enforcement agency that seized the motor vehicle may petition the court of common pleas of the county that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture for an extension of the seventy-two-hour period if the motor vehicle or its contents are needed as evidence or if additional time is needed for the inspection, investigation, or gathering of evidence. Upon the filing of such a petition, the court immediately shall schedule a hearing to be held at a time as soon as possible after the filing, but in no event at a time later than the end of the next business day subsequent to the day on which the petition was filed, and upon scheduling the hearing, immediately shall notify the owner of the vehicle, at the address at which notification of the seizure was provided under division (A) of this section, of the date, time, and place of the hearing. If the court, at the hearing, determines that the vehicle or its contents, or both, are needed as evidence or that additional time is needed for the inspection, investigation, or gathering of evidence, the court may grant the petition and issue an order authorizing the retention of the vehicle or its contents, or both, for an extended period as specified by the court in its order. An order extending a period of retention issued under this division may be renewed.

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If no petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division, if the vehicle was not in the

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custody and control of the owner at the time of its seizure, and 10183
if, at the end of that seventy-two-hour period, the owner of the 10184
vehicle has not been charged with an offense or administrative 10185
violation that includes the use of the vehicle as an element and 10186
has not been charged with any other offense or administrative 10187
violation in the actual commission of which the motor vehicle was 10188
used, the vehicle and its contents shall be released to its owner 10189
or the owner's agent, provided that the law enforcement agency 10190
that seized the vehicle may require proof of ownership of the 10191
vehicle, proof of ownership or legal possession of the contents, 10192
and an affidavit of the owner that the owner neither knew of nor 10193
expressly or impliedly consented to the use of the vehicle that 10194
resulted in its forfeiture as conditions precedent to release. If 10195
a petition for the extension of the initial seventy-two-hour 10196
period has been filed, prior to the expiration of that period, 10197
under this division but the court does not grant the petition, if 10198
the vehicle was not in the custody and control of the owner at the 10199
time of its seizure, and if, at the end of that seventy-two-hour 10200
period, the owner of the vehicle has not been charged with an 10201
offense or administrative violation that includes the use of the 10202
vehicle as an element and has not been charged with any other 10203
offense or administrative violation in the actual commission of 10204
which the motor vehicle was used, the vehicle and its contents 10205
shall be released to its owner or the owner's agent, provided that 10206
the court may require the proof and affidavit described in the 10207
preceding sentence as conditions precedent to release. If the 10208
initial seventy-two-hour period has been extended under this 10209
division, the vehicle and its contents to which the extension 10210
applies may be retained in accordance with the extension order. 10211
If, at the end of that extended period, the owner of the vehicle 10212
has not been charged with an offense or administrative violation 10213
that includes the use of the vehicle as an element and has not 10214
been charged with any other offense or administrative violation in 10215

the actual commission of which the motor vehicle was used, and if
the vehicle was not in the custody and control of the owner at the
time of its seizure, the vehicle and its contents shall be
released to its owner or the owner's agent, provided that the
court may require the proof and affidavit described in the third
preceding sentence as conditions precedent to release. In cases in
which the court may require proof and affidavits as conditions
precedent to release, the court also may require the posting of a
bond, with sufficient sureties approved by the court, in an amount
equal to the value of the property to be released, as determined
by the court, and conditioned upon the return of the property to
the court if it is forfeited under this section, as a further
condition to release. If, at the end of the initial
seventy-two-hour period or at the end of any extended period
granted under this section, the owner has been charged with an
offense or administrative violation that includes the use of the
vehicle as an element or has been charged with another offense or
administrative violation in the actual commission of which the
motor vehicle was used, or if the vehicle was in the custody and
control of the owner at the time of its seizure, the vehicle and
its contents shall be retained pending disposition of the charge,
provided that upon the filing of a motion for release by the
owner, if the court determines that the motor vehicle or its
contents, or both, are not needed as evidence in the underlying
criminal case or administrative proceeding, the court may permit
the release of the property that is not needed as evidence to the
owner; as a condition precedent to a release of that nature, the
court may require the owner to execute a bond with the court. Any
bond so required shall be in an amount equal to the value of the
property to be released, as determined by the court, shall have
sufficient sureties approved by the court, and shall be
conditioned upon the return of the property to the court to which
it is forfeited under this section.

The final disposition of a motor vehicle seized pursuant to 10249
division (A)(1) of this section shall be determined in accordance 10250
with division (C) of this section. 10251

(2) Pending a hearing pursuant to division (C) of this 10252
section, and subject to divisions (B)(1) and (C) of this section, 10253
any property lawfully seized pursuant to division (A) of this 10254
section because it was contraband of a type described in division 10255
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 10256
2901.01 of the Revised Code shall not be subject to replevin or 10257
other action in any court and shall not be subject to release upon 10258
request of the owner, and no judgment shall be enforced against 10259
the property. Pending the hearing, and subject to divisions (B)(1) 10260
and (C) of this section, the property shall be kept in the custody 10261
of the law enforcement agency responsible for its seizure. 10262

Pending a hearing pursuant to division (C) of this section, 10263
and notwithstanding any provisions of division (B)(1) or (C) of 10264
this section to the contrary, any property lawfully seized 10265
pursuant to division (A) of this section because it was contraband 10266
of a type described in division (A)(13)(a) or (c) of section 10267
2901.01 of the Revised Code shall not be subject to replevin or 10268
other action in any court and shall not be subject to release upon 10269
request of the owner, and no judgment shall be enforced against 10270
the property. Pending the hearing, and notwithstanding any 10271
provisions of division (B)(1) or (C) of this section to the 10272
contrary, the property shall be kept in the custody of the law 10273
enforcement agency responsible for its seizure. 10274

A law enforcement agency that seizes property under division 10275
(A) of this section because it was contraband of any type 10276
described in division (A)(13) of section 2901.01 or division (B) 10277
of section 2933.42 of the Revised Code shall maintain an accurate 10278
record of each item of property so seized, which record shall 10279
include the date on which each item was seized, the manner and 10280

date of its disposition, and if applicable, the name of the person 10281
who received the item; however, the record shall not identify or 10282
enable the identification of the individual officer who seized the 10283
item. The record of property of that nature that no longer is 10284
needed as evidence shall be open to public inspection during the 10285
agency's regular business hours. Each law enforcement agency that, 10286
during any calendar year, seizes property under division (A) of 10287
this section because it was contraband shall prepare a report 10288
covering the calendar year that cumulates all of the information 10289
contained in all of the records kept by the agency pursuant to 10290
this division for that calendar year, and shall send a copy of the 10291
cumulative report, no later than the first day of March in the 10292
calendar year following the calendar year covered by the report, 10293
to the attorney general. Each report received by the attorney 10294
general is a public record open for inspection under section 10295
149.43 of the Revised Code. Not later than the fifteenth day of 10296
April in the calendar year in which the reports are received, the 10297
attorney general shall send to the president of the senate and the 10298
speaker of the house of representatives a written notification 10299
that does all of the following: 10300

(a) Indicates that the attorney general has received from law 10301
enforcement agencies reports of the type described in this 10302
division that cover the previous calendar year and indicates that 10303
the reports were received under this division; 10304

(b) Indicates that the reports are open for inspection under 10305
section 149.43 of the Revised Code; 10306

(c) Indicates that the attorney general will provide a copy 10307
of any or all of the reports to the president of the senate or the 10308
speaker of the house of representatives upon request. 10309

(C) The prosecuting attorney, village solicitor, city 10310
director of law, or similar chief legal officer who has 10311

responsibility for the prosecution of the underlying criminal case 10312
or administrative proceeding, or the attorney general if the 10313
attorney general has that responsibility, shall file a petition 10314
for the forfeiture, to the seizing law enforcement agency of the 10315
contraband seized pursuant to division (A) of this section. The 10316
petition shall be filed in the court that has jurisdiction over 10317
the underlying criminal case or administrative proceeding involved 10318
in the forfeiture. If the property was seized on the basis of both 10319
a criminal violation and an administrative regulation violation, 10320
the petition shall be filed by the officer and in the court that 10321
is appropriate in relation to the criminal case. 10322

The petitioner shall conduct or cause to be conducted a 10323
search of the appropriate public records that relate to the seized 10324
property for the purpose of determining, and shall make or cause 10325
to be made reasonably diligent inquiries for the purpose of 10326
determining, any person having an ownership or security interest 10327
in the property. The petitioner then shall give notice of the 10328
forfeiture proceedings by personal service or by certified mail, 10329
return receipt requested, to any persons known, because of the 10330
conduct of the search, the making of the inquiries, or otherwise, 10331
to have an ownership or security interest in the property, and 10332
shall publish notice of the proceedings once each week for two 10333
consecutive weeks in a newspaper of general circulation in the 10334
county in which the seizure occurred. The notices shall be 10335
personally served, mailed, and first published at least four weeks 10336
before the hearing. They shall describe the property seized; state 10337
the date and place of seizure; name the law enforcement agency 10338
that seized the property and, if applicable, that is holding the 10339
property; list the time, date, and place of the hearing; and state 10340
that any person having an ownership or security interest in the 10341
property may contest the forfeiture. 10342

If the property seized was determined by the seizing law 10343

enforcement officer to be contraband because of its relationship 10344
to an underlying criminal offense or administrative violation, no 10345
forfeiture hearing shall be held under this section unless the 10346
person pleads guilty to or is convicted of the commission of, or 10347
an attempt or conspiracy to commit, the offense or a different 10348
offense arising out of the same facts and circumstances or unless 10349
the person admits or is adjudicated to have committed the 10350
administrative violation or a different violation arising out of 10351
the same facts and circumstances; a forfeiture hearing shall be 10352
held in a case of that nature no later than forty-five days after 10353
the conviction or the admission or adjudication of the violation, 10354
unless the time for the hearing is extended by the court for good 10355
cause shown. The owner of any property seized because of its 10356
relationship to an underlying criminal offense or administrative 10357
violation may request the court to release the property to the 10358
owner. Upon receipt of a request of that nature, if the court 10359
determines that the property is not needed as evidence in the 10360
underlying criminal case or administrative proceeding, the court 10361
may permit the release of the property to the owner. As a 10362
condition precedent to a release of that nature, the court may 10363
require the owner to execute a bond with the court. Any bond so 10364
required shall have sufficient sureties approved by the court, 10365
shall be in a sum equal to the value of the property, as 10366
determined by the court, and shall be conditioned upon the return 10367
of the property to the court if the property is forfeited under 10368
this section. Any property seized because of its relationship to 10369
an underlying criminal offense or administrative violation shall 10370
be returned to its owner if charges are not filed in relation to 10371
that underlying offense or violation within thirty days after the 10372
seizure, if charges of that nature are filed and subsequently are 10373
dismissed, or if charges of that nature are filed and the person 10374
charged does not plead guilty to and is not convicted of the 10375
offense or does not admit and is not found to have committed the 10376

violation. 10377

If the property seized was determined by the seizing law 10378
enforcement officer to be contraband other than because of a 10379
relationship to an underlying criminal offense or administrative 10380
violation, the forfeiture hearing under this section shall be held 10381
no later than forty-five days after the seizure, unless the time 10382
for the hearing is extended by the court for good cause shown. 10383

Where possible, a court holding a forfeiture hearing under 10384
this section shall follow the Rules of Civil Procedure. When a 10385
hearing is conducted under this section, property shall be 10386
forfeited upon a showing, by a preponderance of the evidence, by 10387
the petitioner that the person from which the property was seized 10388
was in violation of division (A) of section 2933.42 of the Revised 10389
Code. If that showing is made, the court shall issue an order of 10390
forfeiture. If an order of forfeiture is issued in relation to 10391
contraband that was released to the owner or the owner's agent 10392
pursuant to this division or division (B)(1) of this section, the 10393
order shall require the owner to deliver the property, by a 10394
specified date, to the law enforcement agency that employed the 10395
law enforcement officer who made the seizure of the property, and 10396
the court shall deliver a copy of the order to the owner or send a 10397
copy of it by certified mail, return receipt requested, to the 10398
owner at the address to which notice of the seizure was given 10399
under division (A)(2) of this section. Except as otherwise 10400
provided in this division, all rights, interest, and title to the 10401
forfeited contraband vests in the state, effective from the date 10402
of seizure. 10403

No property shall be forfeited pursuant to this division if 10404
the owner of the property establishes, by a preponderance of the 10405
evidence, that the owner neither knew, nor should have known after 10406
a reasonable inquiry, that the property was used, or was likely to 10407
be used, in a crime or administrative violation. No bona fide 10408

security interest shall be forfeited pursuant to this division if 10409
the holder of the interest establishes, by a preponderance of the 10410
evidence, that the holder of the interest neither knew, nor should 10411
have known after a reasonable inquiry, that the property was used, 10412
or likely to be used, in a crime or administrative violation, that 10413
the holder of the interest did not expressly or impliedly consent 10414
to the use of the property in a crime or administrative violation, 10415
and that the security interest was perfected pursuant to law prior 10416
to the seizure. If the holder of the interest satisfies the court 10417
that these requirements are met, the interest shall be preserved 10418
by the court. In a case of that nature, the court shall either 10419
order that the agency to which the property is forfeited reimburse 10420
the holder of the interest to the extent of the preserved interest 10421
or order that the holder be paid for the interest from the 10422
proceeds of any sale pursuant to division (D) of this section. 10423

(D)(1) Contraband ordered forfeited pursuant to this section 10424
shall be disposed of pursuant to divisions (D)(1) to (7) of 10425
section 2933.41 of the Revised Code or, if the contraband is not 10426
described in those divisions, may be used, with the approval of 10427
the court, by the law enforcement agency that has custody of the 10428
contraband pursuant to division (D)(8) of that section. In the 10429
case of contraband not described in any of those divisions and of 10430
contraband not disposed of pursuant to any of those divisions, the 10431
contraband shall be sold in accordance with this division or, in 10432
the case of forfeited moneys, disposed of in accordance with this 10433
division. If the contraband is to be sold, the prosecuting 10434
attorney shall cause a notice of the proposed sale of the 10435
contraband to be given in accordance with law, and the property 10436
shall be sold, without appraisal, at a public auction to the 10437
highest bidder for cash. The proceeds of a sale and forfeited 10438
moneys shall be applied in the following order: 10439

(a) First, to the payment of the costs incurred in connection 10440

with the seizure of, storage of, maintenance of, and provision of 10441
security for the contraband, the forfeiture proceeding, and, if 10442
any, the sale; 10443

(b) Second, the remaining proceeds or forfeited moneys after 10444
compliance with division (D)(1)(a) of this section, to the payment 10445
of the balance due on any security interest preserved pursuant to 10446
division (C) of this section; 10447

(c) Third, the remaining proceeds or forfeited moneys after 10448
compliance with divisions (D)(1)(a) and (b) of this section, as 10449
follows: 10450

(i) If the forfeiture was ordered in a juvenile court, ten 10451
per cent to one or more alcohol and drug addiction treatment 10452
programs that are certified by the department of alcohol and drug 10453
addiction services under section 3793.06 of the Revised Code and 10454
that are specified in the order of forfeiture. A juvenile court 10455
shall not certify an alcohol or drug addiction treatment program 10456
in the order of forfeiture unless the program is a certified 10457
alcohol and drug addiction treatment program and, except as 10458
provided in division (D)(1)(c)(i) of this section, unless the 10459
program is located in the county in which the court that orders 10460
the forfeiture is located or in a contiguous county. If no 10461
certified alcohol and drug addiction treatment program is located 10462
in any of those counties, the juvenile court may specify in the 10463
order a certified alcohol and drug addiction treatment program 10464
located anywhere within this state. 10465

(ii) If the forfeiture was ordered in a juvenile court, 10466
ninety per cent, and if the forfeiture was ordered in a court 10467
other than a juvenile court, one hundred per cent to the law 10468
enforcement trust fund of the prosecuting attorney and to the law 10469
enforcement trust fund of the county sheriff if the county sheriff 10470
made the seizure, to the law enforcement trust fund of a municipal 10471

corporation if its police department made the seizure, to the law 10472
enforcement trust fund of a township if the seizure was made by a 10473
township police department, township police district police force, 10474
or office of a township constable, to the law enforcement trust 10475
fund of a park district created pursuant to section 511.18 or 10476
1545.01 of the Revised Code if the seizure was made by the park 10477
district police force or law enforcement department, to the 10478
highway patrol state contraband, forfeiture, and other fund if the 10479
state highway patrol made the seizure, to the department of public 10480
safety investigative unit contraband, forfeiture, and other fund 10481
if the investigative unit of the department of public safety made 10482
the seizure, to the department of taxation enforcement fund if the 10483
department of taxation made the seizure, to the board of pharmacy 10484
drug law enforcement fund created by division (B)(1) of section 10485
4729.65 of the Revised Code if the board made the seizure, or to 10486
the treasurer of state for deposit into the peace officer training 10487
commission fund if a state law enforcement agency, other than the 10488
state highway patrol, the investigative unit of the department of 10489
public safety, the enforcement division of the department of 10490
taxation, or the state board of pharmacy, made the seizure. The 10491
prosecuting attorney may decline to accept any of the remaining 10492
proceeds or forfeited moneys, and, if the prosecuting attorney so 10493
declines, the remaining proceeds or forfeited moneys shall be 10494
applied to the fund described in this division that relates to the 10495
law enforcement agency that made the seizure. 10496

A law enforcement trust fund shall be established by the 10497
prosecuting attorney of each county who intends to receive any 10498
remaining proceeds or forfeited moneys pursuant to this division, 10499
by the sheriff of each county, by the legislative authority of 10500
each municipal corporation, by the board of township trustees of 10501
each township that has a township police department, township 10502
police district police force, or office of the constable, and by 10503

the board of park commissioners of each park district created 10504
pursuant to section 511.18 or 1545.01 of the Revised Code that has 10505
a park district police force or law enforcement department, for 10506
the purposes of this division. There is hereby created in the 10507
state treasury the highway patrol state contraband, forfeiture, 10508
and other fund, the department of public safety investigative unit 10509
contraband, forfeiture, and other fund, the department of taxation 10510
enforcement fund, and the peace officer training commission fund, 10511
for the purposes described in this division. 10512

Proceeds or forfeited moneys distributed to any municipal 10513
corporation, township, or park district law enforcement trust fund 10514
shall be allocated from the fund by the legislative authority only 10515
to the police department of the municipal corporation, by the 10516
board of township trustees only to the township police department, 10517
township police district police force, or office of the constable, 10518
and by the board of park commissioners only to the park district 10519
police force or law enforcement department. 10520

Additionally, no proceeds or forfeited moneys shall be 10521
allocated to or used by the state highway patrol, the department 10522
of public safety, the department of taxation, the state board of 10523
pharmacy, or a county sheriff, prosecuting attorney, municipal 10524
corporation police department, township police department, 10525
township police district police force, office of the constable, or 10526
park district police force or law enforcement department unless 10527
the state highway patrol, department of public safety, department 10528
of taxation, state board of pharmacy, sheriff, prosecuting 10529
attorney, municipal corporation police department, township police 10530
department, township police district police force, office of the 10531
constable, or park district police force or law enforcement 10532
department has adopted a written internal control policy under 10533
division (D)(3) of this section that addresses the use of moneys 10534
received from the highway patrol state contraband, forfeiture, and 10535

other fund, the department of public safety investigative unit 10536
contraband, forfeiture, and other fund, the department of taxation 10537
enforcement fund, the board of pharmacy drug law enforcement fund, 10538
or the appropriate law enforcement trust fund. 10539

The highway patrol state contraband, forfeiture, and other 10540
fund, the department of public safety investigative unit 10541
contraband, forfeiture, and other fund, the department of taxation 10542
enforcement fund, and a law enforcement trust fund shall be 10543
expended only in accordance with the written internal control 10544
policy so adopted by the recipient, and, subject to the 10545
requirements specified in division (D)(3)(a)(ii) of this section, 10546
only to pay the costs of protracted or complex investigations or 10547
prosecutions, to provide reasonable technical training or 10548
expertise, to provide matching funds to obtain federal grants to 10549
aid law enforcement, in the support of DARE programs or other 10550
programs designed to educate adults or children with respect to 10551
the dangers associated with the use of drugs of abuse, to pay the 10552
costs of emergency action taken under section 3745.13 of the 10553
Revised Code relative to the operation of an illegal 10554
methamphetamine laboratory if the forfeited property or money 10555
involved was that of a person responsible for the operation of the 10556
laboratory, or for other law enforcement purposes that the 10557
superintendent of the state highway patrol, department of public 10558
safety, department of taxation, prosecuting attorney, county 10559
sheriff, legislative authority, board of township trustees, or 10560
board of park commissioners determines to be appropriate. The 10561
board of pharmacy drug law enforcement fund shall be expended only 10562
in accordance with the written internal control policy so adopted 10563
by the board and only in accordance with section 4729.65 of the 10564
Revised Code, except that it also may be expended to pay the costs 10565
of emergency action taken under section 3745.13 of the Revised 10566
Code relative to the operation of an illegal methamphetamine 10567

laboratory if the forfeited property or money involved was that of 10568
a person responsible for the operation of the laboratory. The 10569
highway patrol state contraband, forfeiture, and other fund, the 10570
department of public safety investigative unit contraband, 10571
forfeiture, and other fund, the department of taxation enforcement 10572
fund, the board of pharmacy drug law enforcement fund, and a law 10573
enforcement trust fund shall not be used to meet the operating 10574
costs of the state highway patrol, of the investigative unit of 10575
the department of public safety, of the department of taxation 10576
enforcement division, of the state board of pharmacy, of any 10577
political subdivision, or of any office of a prosecuting attorney 10578
or county sheriff that are unrelated to law enforcement. 10579

Proceeds and forfeited moneys that are paid into the state 10580
treasury to be deposited into the peace officer training 10581
commission fund shall be used by the commission only to pay the 10582
costs of peace officer training. 10583

Any sheriff or prosecuting attorney who receives proceeds or 10584
forfeited moneys pursuant to this division during any calendar 10585
year shall file a report with the county auditor, no later than 10586
the thirty-first day of January of the next calendar year, 10587
verifying that the proceeds and forfeited moneys were expended 10588
only for the purposes authorized by this division and division 10589
(D)(3)(a)(ii) of this section and specifying the amounts expended 10590
for each authorized purpose. Any municipal corporation police 10591
department that is allocated proceeds or forfeited moneys from a 10592
municipal corporation law enforcement trust fund pursuant to this 10593
division during any calendar year shall file a report with the 10594
legislative authority of the municipal corporation, no later than 10595
the thirty-first day of January of the next calendar year, 10596
verifying that the proceeds and forfeited moneys were expended 10597
only for the purposes authorized by this division and division 10598
(D)(3)(a)(ii) of this section and specifying the amounts expended 10599

for each authorized purpose. Any township police department, 10600
township police district police force, or office of the constable 10601
that is allocated proceeds or forfeited moneys from a township law 10602
enforcement trust fund pursuant to this division during any 10603
calendar year shall file a report with the board of township 10604
trustees of the township, no later than the thirty-first day of 10605
January of the next calendar year, verifying that the proceeds and 10606
forfeited moneys were expended only for the purposes authorized by 10607
this division and division (D)(3)(a)(ii) of this section and 10608
specifying the amounts expended for each authorized purpose. Any 10609
park district police force or law enforcement department that is 10610
allocated proceeds or forfeited moneys from a park district law 10611
enforcement trust fund pursuant to this division during any 10612
calendar year shall file a report with the board of park 10613
commissioners of the park district, no later than the thirty-first 10614
day of January of the next calendar year, verifying that the 10615
proceeds and forfeited moneys were expended only for the purposes 10616
authorized by this division and division (D)(3)(a)(ii) of this 10617
section and specifying the amounts expended for each authorized 10618
purpose. The superintendent of the state highway patrol shall file 10619
a report with the attorney general, no later than the thirty-first 10620
day of January of each calendar year, verifying that proceeds and 10621
forfeited moneys paid into the highway patrol state contraband, 10622
forfeiture, and other fund pursuant to this division during the 10623
prior calendar year were used by the state highway patrol during 10624
the prior calendar year only for the purposes authorized by this 10625
division and specifying the amounts expended for each authorized 10626
purpose. The executive director of the state board of pharmacy 10627
shall file a report with the attorney general, no later than the 10628
thirty-first day of January of each calendar year, verifying that 10629
proceeds and forfeited moneys paid into the board of pharmacy drug 10630
law enforcement fund during the prior calendar year were used only 10631
in accordance with section 4729.65 of the Revised Code and 10632

specifying the amounts expended for each authorized purpose. The
peace officer training commission shall file a report with the
attorney general, no later than the thirty-first day of January of
each calendar year, verifying that proceeds and forfeited moneys
paid into the peace officer training commission fund pursuant to
this division during the prior calendar year were used by the
commission during the prior calendar year only to pay the costs of
peace officer training and specifying the amount used for that
purpose.

The tax commissioner shall file a report with the attorney
general, not later than the thirty-first day of January of each
calendar year, verifying that proceeds and forfeited moneys paid
into the department of taxation enforcement fund pursuant to this
division during the prior calendar year were used by the
enforcement division during the prior calendar year to pay only
the costs of enforcing the tax laws and specifying the amount used
for that purpose.

(2) If more than one law enforcement agency is substantially
involved in the seizure of contraband that is forfeited pursuant
to this section, the court ordering the forfeiture shall equitably
divide the proceeds or forfeited moneys, after calculating any
distribution to the law enforcement trust fund of the prosecuting
attorney pursuant to division (D)(1)(c) of this section, among any
county sheriff whose office is determined by the court to be
substantially involved in the seizure, any legislative authority
of a municipal corporation whose police department is determined
by the court to be substantially involved in the seizure, any
board of township trustees whose law enforcement agency is
determined by the court to be substantially involved in the
seizure, any board of park commissioners of a park district whose
police force or law enforcement department is determined by the
court to be substantially involved in the seizure, the state board

of pharmacy if it is determined by the court to be substantially
involved in the seizure, the investigative unit of the department
of public safety if it is determined by the court to be
substantially involved in the seizure, the enforcement division of
the department of taxation if it is determined by the court to be
substantially involved in the seizure and the state highway patrol
if it is determined by the court to be substantially involved in
the seizure. The proceeds or forfeited moneys shall be deposited
in the respective law enforcement trust funds of the county
sheriff, municipal corporation, township, and park district, the
board of pharmacy drug law enforcement fund, the department of
public safety investigative unit contraband, forfeiture, and other
fund, the department of taxation enforcement fund, or the highway
patrol state contraband, forfeiture, and other fund, in accordance
with division (D)(1)(c) of this section. If a state law
enforcement agency, other than the state highway patrol, the
investigative unit of the department of public safety, the
department of taxation, or the state board of pharmacy, is
determined by the court to be substantially involved in the
seizure, the state agency's equitable share of the proceeds and
forfeited moneys shall be paid to the treasurer of state for
deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or
forfeited moneys out of the highway patrol state contraband,
forfeiture, and other fund, the department of public safety
investigative unit contraband, forfeiture, and other fund, the
department of taxation enforcement fund, the board of pharmacy
drug law enforcement fund, or a law enforcement trust fund under
division (D)(1)(c) of this section, the state highway patrol, the
department of public safety, the department of taxation, the state
board of pharmacy, and a county sheriff, prosecuting attorney,
municipal corporation police department, township police

department, township police district police force, office of the 10697
constable, or park district police force or law enforcement 10698
department shall adopt a written internal control policy that 10699
addresses the state highway patrol's, department of public 10700
safety's, department of taxation's, state board of pharmacy's, 10701
sheriff's, prosecuting attorney's, police department's, police 10702
force's, office of the constable's, or law enforcement 10703
department's use and disposition of all the proceeds and forfeited 10704
moneys received and that provides for the keeping of detailed 10705
financial records of the receipts of the proceeds and forfeited 10706
moneys, the general types of expenditures made out of the proceeds 10707
and forfeited moneys, the specific amount of each general type of 10708
expenditure, and the amounts, portions, and programs described in 10709
division (D)(3)(a)(ii) of this section. The policy shall not 10710
provide for or permit the identification of any specific 10711
expenditure that is made in an ongoing investigation. 10712

All financial records of the receipts of the proceeds and 10713
forfeited moneys, the general types of expenditures made out of 10714
the proceeds and forfeited moneys, the specific amount of each 10715
general type of expenditure by the state highway patrol, by the 10716
department of public safety, by the department of taxation, by the 10717
state board of pharmacy, and by a sheriff, prosecuting attorney, 10718
municipal corporation police department, township police 10719
department, township police district police force, office of the 10720
constable, or park district police force or law enforcement 10721
department, and the amounts, portions, and programs described in 10722
division (D)(3)(a)(ii) of this section are public records open for 10723
inspection under section 149.43 of the Revised Code. Additionally, 10724
a written internal control policy adopted under this division is a 10725
public record of that nature, and the state highway patrol, the 10726
department of public safety, the department of taxation, the state 10727
board of pharmacy, or the sheriff, prosecuting attorney, municipal 10728

corporation police department, township police department, 10729
township police district police force, office of the constable, or 10730
park district police force or law enforcement department that 10731
adopted it shall comply with it. 10732

(ii) The written internal control policy of a county sheriff, 10733
prosecuting attorney, municipal corporation police department, 10734
township police department, township police district police force, 10735
office of the constable, or park district police force or law 10736
enforcement department shall provide that at least ten per cent of 10737
the first one hundred thousand dollars of proceeds and forfeited 10738
moneys deposited during each calendar year in the sheriff's, 10739
prosecuting attorney's, municipal corporation's, township's, or 10740
park district's law enforcement trust fund pursuant to division 10741
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 10742
section 2925.44 of the Revised Code, and at least twenty per cent 10743
of the proceeds and forfeited moneys exceeding one hundred 10744
thousand dollars that are so deposited, shall be used in 10745
connection with community preventive education programs. The 10746
manner in which the described percentages are so used shall be 10747
determined by the sheriff, prosecuting attorney, department, 10748
police force, or office of the constable after the receipt and 10749
consideration of advice on appropriate community preventive 10750
education programs from the county's board of alcohol, drug 10751
addiction, and mental health services, from the county's alcohol 10752
and drug addiction services board, or through appropriate 10753
community dialogue. The financial records described in division 10754
(D)(3)(a)(i) of this section shall specify the amount of the 10755
proceeds and forfeited moneys deposited during each calendar year 10756
in the sheriff's, prosecuting attorney's, municipal corporation's, 10757
township's, or park district's law enforcement trust fund pursuant 10758
to division (B)(7)(c)(ii) of section 2923.46 or division 10759
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 10760

of that amount that was used pursuant to the requirements of this 10761
division, and the community preventive education programs in 10762
connection with which the portion of that amount was so used. 10763

As used in this division, "community preventive education 10764
programs" includes, but is not limited to, DARE programs and other 10765
programs designed to educate adults or children with respect to 10766
the dangers associated with the use of drugs of abuse. 10767

(b) Each sheriff, prosecuting attorney, municipal corporation 10768
police department, township police department, township police 10769
district police force, office of the constable, or park district 10770
police force or law enforcement department that receives in any 10771
calendar year any proceeds or forfeited moneys out of a law 10772
enforcement trust fund under division (D)(1)(c) of this section or 10773
uses any proceeds or forfeited moneys in its law enforcement trust 10774
fund in any calendar year shall prepare a report covering the 10775
calendar year that cumulates all of the information contained in 10776
all of the public financial records kept by the sheriff, 10777
prosecuting attorney, municipal corporation police department, 10778
township police department, township police district police force, 10779
office of the constable, or park district police force or law 10780
enforcement department pursuant to division (D)(3)(a) of this 10781
section for that calendar year, and shall send a copy of the 10782
cumulative report, no later than the first day of March in the 10783
calendar year following the calendar year covered by the report, 10784
to the attorney general. 10785

The superintendent of the state highway patrol shall prepare 10786
a report covering each calendar year in which the state highway 10787
patrol uses any proceeds or forfeited moneys in the highway patrol 10788
state contraband, forfeiture, and other fund under division 10789
(D)(1)(c) of this section, that cumulates all of the information 10790
contained in all of the public financial records kept by the state 10791
highway patrol pursuant to division (D)(3)(a) of this section for 10792

that calendar year, and shall send a copy of the cumulative
report, no later than the first day of March in the calendar year
following the calendar year covered by the report, to the attorney
general.

The department of public safety shall prepare a report
covering each fiscal year in which the department uses any
proceeds or forfeited moneys in the department of public safety
investigative unit contraband, forfeiture, and other fund under
division (D)(1)(c) of this section that cumulates all of the
information contained in all of the public financial records kept
by the department pursuant to division (D)(3)(a) of this section
for that fiscal year. The department shall send a copy of the
cumulative report to the attorney general no later than the first
day of August in the fiscal year following the fiscal year covered
by the report. The director of public safety shall include in the
report a verification that proceeds and forfeited moneys paid into
the department of public safety investigative unit contraband,
forfeiture, and other fund under division (D)(1)(c) of this
section during the preceding fiscal year were used by the
department during that fiscal year only for the purposes
authorized by that division and shall specify the amount used for
each authorized purpose.

The tax commissioner shall prepare a report covering each
calendar year in which the department of taxation enforcement
division uses any proceeds or forfeited moneys in the department
of taxation enforcement fund under division (D)(1)(c) of this
section, that cumulates all of the information contained in all of
the public financial records kept by the department of taxation
enforcement division pursuant to division (D)(3)(a) of this
section for that calendar year, and shall send a copy of the
cumulative report, not later than the first day of March in the
calendar year following the calendar year covered by the report,

to the attorney general. 10825

The executive director of the state board of pharmacy shall 10826
prepare a report covering each calendar year in which the board 10827
uses any proceeds or forfeited moneys in the board of pharmacy 10828
drug law enforcement fund under division (D)(1)(c) of this 10829
section, that cumulates all of the information contained in all of 10830
the public financial records kept by the board pursuant to 10831
division (D)(3)(a) of this section for that calendar year, and 10832
shall send a copy of the cumulative report, no later than the 10833
first day of March in the calendar year following the calendar 10834
year covered by the report, to the attorney general. Each report 10835
received by the attorney general is a public record open for 10836
inspection under section 149.43 of the Revised Code. Not later 10837
than the fifteenth day of April in the calendar year in which the 10838
reports are received, the attorney general shall send to the 10839
president of the senate and the speaker of the house of 10840
representatives a written notification that does all of the 10841
following: 10842

(i) Indicates that the attorney general has received from 10843
entities or persons specified in this division reports of the type 10844
described in this division that cover the previous calendar year 10845
and indicates that the reports were received under this division; 10846

(ii) Indicates that the reports are open for inspection under 10847
section 149.43 of the Revised Code; 10848

(iii) Indicates that the attorney general will provide a copy 10849
of any or all of the reports to the president of the senate or the 10850
speaker of the house of representatives upon request. 10851

(4)(a) A law enforcement agency that receives pursuant to 10852
federal law proceeds from a sale of forfeited contraband, proceeds 10853
from another disposition of forfeited contraband, or forfeited 10854
contraband moneys shall deposit, use, and account for the proceeds 10855

or forfeited moneys in accordance with, and otherwise comply with, 10856
the applicable federal law. 10857

(b)(i) If the state highway patrol receives from the United 10858
States department of justice pursuant to federal law proceeds from 10859
a sale of forfeited contraband, proceeds from another disposition 10860
of forfeited contraband, or forfeited contraband moneys, the 10861
appropriate governmental officials shall deposit the proceeds into 10862
the highway patrol ~~federal contraband, forfeiture, and other fund~~ 10863
justice contraband fund, which is hereby created in the state 10864
treasury. All interest or other earnings derived from the 10865
investment of the proceeds or forfeited moneys shall be credited 10866
to the fund. The state highway patrol shall use and account for 10867
that interest or other earnings in accordance with the applicable 10868
federal law. 10869

(ii) If the state highway patrol receives from the United 10870
States department of the treasury pursuant to federal law proceeds 10871
from a sale of forfeited contraband, proceeds from another 10872
disposition of forfeited contraband, or forfeited contraband 10873
moneys, the appropriate governmental officials shall deposit the 10874
proceeds into the highway patrol treasury contraband fund, which 10875
is hereby created in the state treasury. All interest or other 10876
earnings derived from the investment of the proceeds or forfeited 10877
moneys shall be credited to the fund. The state highway patrol 10878
shall use and account for that interest or other earnings in 10879
accordance with the applicable federal law. 10880

(c) If the investigative unit of the department of public 10881
safety receives pursuant to federal law proceeds from a sale of 10882
forfeited contraband, proceeds from another disposition of 10883
forfeited contraband, or forfeited contraband moneys, the 10884
appropriate governmental officials shall deposit the proceeds into 10885
the department of public safety investigative unit federal 10886
equitable share account fund, which is hereby created in the state 10887

treasury. All interest or other earnings derived from the 10888
investment of the proceeds or forfeited moneys shall be credited 10889
to the fund. The department shall use and account for that 10890
interest or other earnings in accordance with the applicable 10891
federal law. 10892

(d) If the tax commissioner receives pursuant to federal law 10893
proceeds from a sale of forfeited contraband, proceeds from 10894
another disposition of forfeited contraband, or forfeited 10895
contraband moneys, the appropriate governmental officials shall 10896
deposit into the department of taxation enforcement fund all 10897
interest or other earnings derived from the investment of the 10898
proceeds or forfeited moneys. The department shall use and account 10899
for that interest or other earnings in accordance with the 10900
applicable federal law. 10901

(e) Divisions (D)(1) to (3) of this section do not apply to 10902
proceeds or forfeited moneys received pursuant to federal law or 10903
to the interest or other earnings that are derived from the 10904
investment of proceeds or forfeited moneys received pursuant to 10905
federal law and that are described in division (D)(4)(b) of this 10906
section. 10907

(E) Upon the sale pursuant to this section of any property 10908
that is required to be titled or registered under law, the state 10909
shall issue an appropriate certificate of title or registration to 10910
the purchaser. If the state is vested with title pursuant to 10911
division (C) of this section and elects to retain property that is 10912
required to be titled or registered under law, the state shall 10913
issue an appropriate certificate of title or registration. 10914

(F) Notwithstanding any provisions of this section to the 10915
contrary, any property that is lawfully seized in relation to a 10916
violation of section 2923.32 of the Revised Code shall be subject 10917
to forfeiture and disposition in accordance with sections 2923.32 10918

to 2923.36 of the Revised Code; any property that is forfeited 10919
pursuant to section 2923.44 or 2923.45 of the Revised Code in 10920
relation to a violation of section 2923.42 of the Revised Code or 10921
in relation to an act of a juvenile that is a violation of section 10922
2923.42 of the Revised Code may be subject to forfeiture and 10923
disposition in accordance with sections 2923.44 to 2923.47 of the 10924
Revised Code; and any property that is forfeited pursuant to 10925
section 2925.42 or 2925.43 of the Revised Code in relation to a 10926
felony drug abuse offense, as defined in section 2925.01 of the 10927
Revised Code, or in relation to an act that, if committed by an 10928
adult, would be a felony drug abuse offense of that nature, may be 10929
subject to forfeiture and disposition in accordance with sections 10930
2925.41 to 2925.45 of the Revised Code or this section. 10931

(G) Any failure of a law enforcement officer or agency, a 10932
prosecuting attorney, village solicitor, city director of law, or 10933
similar chief legal officer, a court, or the attorney general to 10934
comply with any duty imposed by this section in relation to any 10935
property seized or with any other provision of this section in 10936
relation to any property seized does not affect the validity of 10937
the seizure of the property, provided the seizure itself was made 10938
in accordance with law, and is not and shall not be considered to 10939
be the basis for the suppression of any evidence resulting from 10940
the seizure of the property, provided the seizure itself was made 10941
in accordance with law. 10942

(H) Contraband that has been forfeited pursuant to division 10943
(C) of this section shall not be available for use to pay any fine 10944
imposed upon a person who is convicted of or pleads guilty to an 10945
underlying criminal offense or a different offense arising out of 10946
the same facts and circumstances. 10947

Sec. 3109.14. (A) As used in this section, "birth record" and 10948
"certification of birth" have the meanings given in section 10949

3705.01 of the Revised Code. 10950

(B)(1) The director of health, a person authorized by the 10951
director, a local commissioner of health, or a local registrar of 10952
vital statistics shall charge and collect a fee for each certified 10953
copy of a birth record, for each certification of birth, and for 10954
each copy of a death record. ~~Until October 1, 2001, the fee shall~~ 10955
~~be two dollars. On and after October 1, 2001, the~~ The fee shall be 10956
three dollars. The fee is in addition to the fee imposed by 10957
section 3705.24 or any other section of the Revised Code. A local 10958
commissioner of health or a local registrar of vital statistics 10959
may retain an amount of each additional fee collected, not to 10960
exceed three per cent of the amount of the additional fee, to be 10961
used for costs directly related to the collection of the fee and 10962
the forwarding of the fee to the treasurer of state. The 10963
additional fees collected, but not retained, under division (B)(1) 10964
of this section shall be forwarded to the treasurer of state not 10965
later than thirty days following the end of each quarter. 10966

(2) Upon the filing for a divorce decree under section 10967
3105.10 or a decree of dissolution under section 3105.65 of the 10968
Revised Code, a court of common pleas shall charge and collect a 10969
fee. ~~Until October 1, 2001, the fee shall be ten dollars. On and~~ 10970
~~after October 1, 2001, the~~ The fee shall be eleven dollars. The 10971
fee is in addition to any other court costs or fees. The county 10972
clerk of courts may retain an amount of each additional fee 10973
collected, not to exceed three per cent of the amount of the 10974
additional fee, to be used for costs directly related to the 10975
collection of the fee and the forwarding of the fee to the 10976
treasurer of state. The additional fees collected, but not 10977
retained, under division (B)(2) of this section shall be forwarded 10978
to the treasurer of state not later than twenty days following the 10979
end of each month. 10980

(C) ~~The additional fees collected, but not retained, under~~ 10981

~~this section during each month shall be forwarded not later than~~ 10982
~~the tenth day of the immediately following month to the treasurer~~ 10983
~~of state, who shall deposit the fees~~ forwarded under this section 10984
in the state treasury to the credit of the children's trust fund, 10985
which is hereby created. A person or government entity that fails 10986
to forward the fees in a timely manner, as determined by the 10987
treasurer of state, shall forward to the treasurer of state, in 10988
addition to the fees, a penalty equal to ten per cent of the fees. 10989

The treasurer of state shall invest the moneys in the fund, 10990
and all earnings resulting from investment of the fund shall be 10991
credited to the fund, except that actual administrative costs 10992
incurred by the treasurer of state in administering the fund may 10993
be deducted from the earnings resulting from investments. The 10994
amount that may be deducted shall not exceed three per cent of the 10995
total amount of fees credited to the fund in each fiscal year, 10996
except that the children's trust fund board may approve an amount 10997
for actual administrative costs exceeding three per cent but not 10998
exceeding four per cent of such amount. The balance of the 10999
investment earnings shall be credited to the fund. Moneys credited 11000
to the fund shall be used only for the purposes described in 11001
sections 3109.13 to 3109.18 of the Revised Code. 11002

Sec. 3307.32. All amounts due the state teachers retirement 11003
system from the state treasury pursuant to this chapter shall be 11004
promptly paid upon warrant of the ~~auditor of state~~ director of 11005
budget and management pursuant to a voucher approved by the 11006
~~director of budget and management.~~ 11007

Sec. 3309.68. All amounts due the school employees retirement 11008
system from the state treasury pursuant to this chapter shall be 11009
promptly paid upon warrant of the ~~auditor of state~~ director of 11010
budget and management pursuant to a voucher approved by the 11011
~~director of budget and management.~~ 11012

Sec. 3310.03. (A) A student is an "eligible student" for 11013
purposes of the educational choice scholarship pilot program if 11014
the student satisfies both of the following conditions: 11015

(1) The student either: 11016

(a) Is enrolled in a school building that is operated by the 11017
student's resident district and that the department of education 11018
declared, in the most recent rating of school buildings published 11019
prior to the first day of July of the school year for which a 11020
scholarship is sought and in the two preceding school years, to be 11021
in a state of academic emergency or academic watch under section 11022
3302.03 of the Revised Code; 11023

(b) Is eligible to enroll in kindergarten in the school year 11024
for which a scholarship is sought and otherwise would be assigned 11025
under section 3319.01 of the Revised Code to a school building 11026
described in division (A)(1)(a) of this section; 11027

(c) Is enrolled in a community school established under 11028
Chapter 3314. of the Revised Code but otherwise would be assigned 11029
under section 3319.01 of the Revised Code to a building described 11030
in division (A)(1)(a) of this section; 11031

(d) Is eligible to enroll in kindergarten in the school year 11032
for which a scholarship is sought, or is enrolled in a community 11033
school established under Chapter 3314. of the Revised Code, and 11034
the student's resident district both: 11035

(i) Has in force an intradistrict open enrollment policy 11036
under which no student in kindergarten or the community school 11037
student's grade level, respectively, is automatically assigned to 11038
a particular school building; 11039

(ii) In the most recent rating of school districts published 11040
prior to the first day of July of the school year for which a 11041
scholarship is sought and in the preceding two school years, was 11042

declared to be in a state of academic emergency under section 11043
3302.03 of the Revised Code. 11044

(2) The student's resident district is not a school district 11045
in which the pilot project scholarship program is operating under 11046
sections 3313.974 to 3313.979 of the Revised Code. 11047

(B) A student who receives a scholarship under the 11048
educational choice scholarship pilot program remains an eligible 11049
student and may continue to receive scholarships in subsequent 11050
school years until the student completes grade twelve, so long as 11051
all of the following apply: 11052

(1) The student's resident district remains the same; 11053

(2) The student takes each state test prescribed for the 11054
student's grade level under section 3301.0710 or 3301.0712 of the 11055
Revised Code while enrolled in a chartered nonpublic school; 11056

(3) In each school year that the student is enrolled in a 11057
chartered nonpublic school, the student is absent from school for 11058
not more than twenty days that the school is open for instruction, 11059
not including absences due to illness or injury confirmed in 11060
writing by a physician. 11061

(C) The superintendent shall cease awarding first-time 11062
scholarships with respect to a school building that, in the most 11063
recent ratings of school buildings published under section 3302.03 11064
of the Revised Code prior to the first day of July of the school 11065
year, ceases to be in a state of academic emergency or academic 11066
watch. However, students who have received scholarships in the 11067
prior school year remain eligible students pursuant to division 11068
(B) of this section. 11069

Sec. 3310.06. It is the policy adopted by the general 11070
assembly that the educational choice scholarship pilot program 11071
shall be construed as one of several educational options available 11072

for students enrolled in academic emergency or academic watch 11073
school buildings. Students may be enrolled in the schools of the 11074
student's resident district, in a community school established 11075
under Chapter 3314. of the Revised Code, in the schools of another 11076
school district pursuant to an open enrollment policy adopted 11077
under section 3313.98 of the Revised Code, in a chartered 11078
nonpublic school with or without a scholarship under the 11079
educational choice scholarship pilot program, or in other schools 11080
as the law may provide. 11081

Sec. 3313.29. The treasurer of each board of education shall 11082
keep an account of all school funds of the district. The treasurer 11083
shall receive all vouchers for payments and disbursements made to 11084
and by the board and preserve such vouchers for a period of ten 11085
years unless copied or reproduced according to the procedure 11086
prescribed in section 9.01 of the Revised Code. Thereafter, such 11087
vouchers may be destroyed by the treasurer upon applying to and 11088
obtaining an order from the school district records commission in 11089
the manner prescribed by section 149.41 of the Revised Code, 11090
except that it shall not be necessary to copy or reproduce such 11091
vouchers before their destruction. The treasurer shall render a 11092
statement to the board and to the superintendent of the school 11093
district, monthly, or more often if required, showing the revenues 11094
and receipts from whatever sources derived, the various 11095
appropriations made by the board, the expenditures and 11096
disbursements therefrom, the purposes thereof, the balances 11097
remaining in each appropriation, and the assets and liabilities of 11098
the school district. At the end of the fiscal year such statement 11099
shall be a complete exhibit of the financial affairs of the school 11100
district which may be published and distributed with the approval 11101
of the board. All monthly and yearly statements as required in 11102
this section shall be available for examination by the public. 11103

On request of the principal or other chief administrator of 11104
any nonpublic school located within the school district's 11105
territory, the treasurer shall provide such principal or 11106
administrator with an account of the moneys received by the 11107
district under division ~~(L)~~(I) of section 3317.024 of the Revised 11108
Code as reported to the district's board in the treasurer's most 11109
recent monthly statement. 11110

Sec. 3313.61. (A) A diploma shall be granted by the board of 11111
education of any city, exempted village, or local school district 11112
that operates a high school to any person to whom all of the 11113
following apply: 11114

(1) The person has successfully completed the curriculum in 11115
any high school or the individualized education program developed 11116
for the person by any high school pursuant to section 3323.08 of 11117
the Revised Code, provided that no school district shall require a 11118
student to remain in school for any specific number of semesters 11119
or other terms if the student completes the required curriculum 11120
early; 11121

(2) Subject to section 3313.614 of the Revised Code, the 11122
person either: 11123

(a) Has attained at least the applicable scores designated 11124
under division (B) of section 3301.0710 of the Revised Code on all 11125
the tests required by that division unless the person was excused 11126
from taking any such test pursuant to section 3313.532 of the 11127
Revised Code or unless division (H) or (L) of this section applies 11128
to the person; 11129

(b) Has satisfied the alternative conditions prescribed in 11130
section 3313.615 of the Revised Code. 11131

(3) The person is not eligible to receive an honors diploma 11132
granted pursuant to division (B) of this section. 11133

Except as provided in divisions (C), (E), (J), and (L) of 11134
this section, no diploma shall be granted under this division to 11135
anyone except as provided under this division. 11136

(B) In lieu of a diploma granted under division (A) of this 11137
section, an honors diploma shall be granted, in accordance with 11138
rules of the state board of education, by any such district board 11139
to anyone who successfully completes the curriculum in any high 11140
school or the individualized education program developed for the 11141
person by any high school pursuant to section 3323.08 of the 11142
Revised Code, who has attained subject to section 3313.614 of the 11143
Revised Code at least the applicable scores designated under 11144
division (B) of section 3301.0710 of the Revised Code on all the 11145
tests required by that division, or has satisfied the alternative 11146
conditions prescribed in section 3313.615 of the Revised Code, and 11147
who has met additional criteria established by the state board for 11148
the granting of such a diploma. Except as provided in divisions 11149
(C), (E), and (J) of this section, no honors diploma shall be 11150
granted to anyone failing to comply with this division and no more 11151
than one honors diploma shall be granted to any student under this 11152
division. 11153

The state board shall adopt rules prescribing the granting of 11154
honors diplomas under this division. These rules may prescribe the 11155
granting of honors diplomas that recognize a student's achievement 11156
as a whole or that recognize a student's achievement in one or 11157
more specific subjects or both. In any case, the rules shall 11158
designate two or more criteria for the granting of each type of 11159
honors diploma the board establishes under this division and the 11160
number of such criteria that must be met for the granting of that 11161
type of diploma. The number of such criteria for any type of 11162
honors diploma shall be at least one less than the total number of 11163
criteria designated for that type and no one or more particular 11164
criteria shall be required of all persons who are to be granted 11165

that type of diploma. 11166

(C) Any such district board administering any of the tests 11167
required by section 3301.0710 or 3301.0712 of the Revised Code to 11168
any person requesting to take such test pursuant to division 11169
(B)(8)(b) of section 3301.0711 of the Revised Code shall award a 11170
diploma to such person if the person attains at least the 11171
applicable scores designated under division (B) of section 11172
3301.0710 of the Revised Code on all the tests administered and if 11173
the person has previously attained the applicable scores on all 11174
the other tests required by division (B) of that section or has 11175
been exempted or excused from attaining the applicable score on 11176
any such test pursuant to division (H) or (L) of this section or 11177
from taking any such test pursuant to section 3313.532 of the 11178
Revised Code. 11179

(D) Each diploma awarded under this section shall be signed 11180
by the president and treasurer of the issuing board, the 11181
superintendent of schools, and the principal of the high school. 11182
Each diploma shall bear the date of its issue, be in such form as 11183
the district board prescribes, and be paid for out of the 11184
district's general fund. 11185

(E) A person who is a resident of Ohio and is eligible under 11186
state board of education minimum standards to receive a high 11187
school diploma based in whole or in part on credits earned while 11188
an inmate of a correctional institution operated by the state or 11189
any political subdivision thereof, shall be granted such diploma 11190
by the correctional institution operating the programs in which 11191
such credits were earned, and by the board of education of the 11192
school district in which the inmate resided immediately prior to 11193
the inmate's placement in the institution. The diploma granted by 11194
the correctional institution shall be signed by the director of 11195
the institution, and by the person serving as principal of the 11196
institution's high school and shall bear the date of issue. 11197

(F) Persons who are not residents of Ohio but who are inmates 11198
of correctional institutions operated by the state or any 11199
political subdivision thereof, and who are eligible under state 11200
board of education minimum standards to receive a high school 11201
diploma based in whole or in part on credits earned while an 11202
inmate of the correctional institution, shall be granted a diploma 11203
by the correctional institution offering the program in which the 11204
credits were earned. The diploma granted by the correctional 11205
institution shall be signed by the director of the institution and 11206
by the person serving as principal of the institution's high 11207
school and shall bear the date of issue. 11208

(G) The state board of education shall provide by rule for 11209
the administration of the tests required by section 3301.0710 of 11210
the Revised Code to inmates of correctional institutions. 11211

(H) Any person to whom all of the following apply shall be 11212
exempted from attaining the applicable score on the test in social 11213
studies designated under division (B) of section 3301.0710 of the 11214
Revised Code or the test in citizenship designated under former 11215
division (B) of section 3301.0710 of the Revised Code as it 11216
existed prior to September 11, 2001: 11217

(1) The person is not a citizen of the United States; 11218

(2) The person is not a permanent resident of the United 11219
States; 11220

(3) The person indicates no intention to reside in the United 11221
States after the completion of high school. 11222

(I) Notwithstanding division (D) of section 3311.19 and 11223
division (D) of section 3311.52 of the Revised Code, this section 11224
and section 3311.611 of the Revised Code do not apply to the board 11225
of education of any joint vocational school district or any 11226
cooperative education school district established pursuant to 11227
divisions (A) to (C) of section 3311.52 of the Revised Code. 11228

(J) Upon receipt of a notice under division (D) of section 11229
3325.08 of the Revised Code that a student has received a diploma 11230
under that section, the board of education receiving the notice 11231
may grant a high school diploma under this section to the student, 11232
except that such board shall grant the student a diploma if the 11233
student meets the graduation requirements that the student would 11234
otherwise have had to meet to receive a diploma from the district. 11235
The diploma granted under this section shall be of the same type 11236
the notice indicates the student received under section 3325.08 of 11237
the Revised Code. 11238

(K) As used in this division, "limited English proficient 11239
student" has the same meaning as in division (C)(3) of section 11240
3301.0711 of the Revised Code. 11241

Notwithstanding division (C)(3) of section 3301.0711 of the 11242
Revised Code, no limited English proficient student who has not 11243
attained the applicable scores designated under division (B) of 11244
section 3301.0710 of the Revised Code on all the tests required by 11245
that division shall be awarded a diploma under this section. 11246

(L) Any student described by division (A)(1) of this section 11247
may be awarded a diploma without attaining the applicable scores 11248
designated on the tests prescribed under division (B) of section 11249
3301.0710 of the Revised Code provided an individualized education 11250
program specifically exempts the student from attaining such 11251
scores. This division does not negate the requirement for such a 11252
student to take all such tests or alternate assessments required 11253
by division (C)(1) of section 3301.0711 of the Revised Code for 11254
the purpose of assessing student progress as required by federal 11255
law. 11256

Sec. 3313.64. (A) As used in this section and in section 11257
3313.65 of the Revised Code: 11258

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for

children, to which any of the following applies:	11290
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	11291 11292 11293
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	11294 11295 11296
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	11297 11298 11299
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	11300 11301
(5) "Agency" means all of the following:	11302
(a) A public children services agency;	11303
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	11304 11305 11306 11307 11308 11309
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.	11310 11311 11312
(6) A child is placed for adoption if either of the following occurs:	11313 11314
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	11315 11316 11317 11318

(b) The child's natural parent places the child pursuant to 11319
section 5103.16 of the Revised Code with a person who will care 11320
for and adopt the child. 11321

(7) "Handicapped preschool child" means a handicapped child, 11322
as defined by division (A) of section 3323.01 of the Revised Code, 11323
who is at least three years of age but is not of compulsory school 11324
age, as defined in section 3321.01 of the Revised Code, and who is 11325
not currently enrolled in kindergarten. 11326

(8) "Child," unless otherwise indicated, includes handicapped 11327
preschool children. 11328

(9) "Active duty" means active duty pursuant to an executive 11329
order of the president of the United States, an act of the 11330
congress of the United States, or section 5919.29 or 5923.21 of 11331
the Revised Code. 11332

(B) Except as otherwise provided in section 3321.01 of the 11333
Revised Code for admittance to kindergarten and first grade, a 11334
child who is at least five but under twenty-two years of age and 11335
any handicapped preschool child shall be admitted to school as 11336
provided in this division. 11337

(1) A child shall be admitted to the schools of the school 11338
district in which the child's parent resides. 11339

(2) A child who does not reside in the district where the 11340
child's parent resides shall be admitted to the schools of the 11341
district in which the child resides if any of the following 11342
applies: 11343

(a) The child is in the legal or permanent custody of a 11344
government agency or a person other than the child's natural or 11345
adoptive parent. 11346

(b) The child resides in a home. 11347

(c) The child requires special education. 11348

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition ~~shall be paid for the child~~ in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) ~~Except~~ For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the 11380
time the court removed the child from home or at the time the 11381
court vested legal or permanent custody of the child in the person 11382
or government agency, whichever occurred first; 11383

(b) If the parent's residence at the time the court removed 11384
the child from home or placed the child in the legal or permanent 11385
custody of the person or government agency is unknown, tuition 11386
shall be paid by the district in which the child resided at the 11387
time the child was removed from home or placed in legal or 11388
permanent custody, whichever occurred first; 11389

(c) If a school district cannot be established under division 11390
(C)(2)(a) or (b) of this section, tuition shall be paid by the 11391
district determined as required by section 2151.357 of the Revised 11392
Code by the court at the time it vests custody of the child in the 11393
person or government agency; 11394

(d) If at the time the court removed the child from home or 11395
vested legal or permanent custody of the child in the person or 11396
government agency, whichever occurred first, one parent was in a 11397
residential or correctional facility or a juvenile residential 11398
placement and the other parent, if living and not in such a 11399
facility or placement, was not known to reside in this state, 11400
tuition shall be paid by the district determined under division 11401
(D) of section 3313.65 of the Revised Code as the district 11402
required to pay any tuition while the parent was in such facility 11403
or placement; 11404

(e) If the court has modified its order as to which district 11405
is responsible to bear the cost of educating the child pursuant to 11406
division (A)(2) of section 2151.357 of the Revised Code, the 11407
district determined to be responsible for that cost in the order 11408
so modified. 11409

(3) If the child is not in the permanent or legal custody of 11410

a government agency or person other than the child's parent and 11411
the child resides in a home, tuition shall be paid by one of the 11412
following: 11413

(a) The school district in which the child's parent resides; 11414

(b) If the child's parent is not a resident of this state, 11415
the home in which the child resides. 11416

(D) Tuition required to be paid under divisions (C)(2) and 11417
(3)(a) of this section shall be computed in accordance with 11418
section 3317.08 of the Revised Code. Tuition required to be paid 11419
under division (C)(3)(b) of this section shall be computed in 11420
accordance with section 3317.081 of the Revised Code. If a home 11421
fails to pay the tuition required by division (C)(3)(b) of this 11422
section, the board of education providing the education may 11423
recover in a civil action the tuition and the expenses incurred in 11424
prosecuting the action, including court costs and reasonable 11425
attorney's fees. If the prosecuting attorney or city director of 11426
law represents the board in such action, costs and reasonable 11427
attorney's fees awarded by the court, based upon the prosecuting 11428
attorney's, director's, or one of their designee's time spent 11429
preparing and presenting the case, shall be deposited in the 11430
county or city general fund. 11431

(E) A board of education may enroll a child free of any 11432
tuition obligation for a period not to exceed sixty days, on the 11433
sworn statement of an adult resident of the district that the 11434
resident has initiated legal proceedings for custody of the child. 11435

(F) In the case of any individual entitled to attend school 11436
under this division, no tuition shall be charged by the school 11437
district of attendance and no other school district shall be 11438
required to pay tuition for the individual's attendance. 11439
Notwithstanding division (B), (C), or (E) of this section: 11440

(1) All persons at least eighteen but under twenty-two years 11441

of age who live apart from their parents, support themselves by
their own labor, and have not successfully completed the high
school curriculum or the individualized education program
developed for the person by the high school pursuant to section
3323.08 of the Revised Code, are entitled to attend school in the
district in which they reside.

(2) Any child under eighteen years of age who is married is
entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in
which either of the child's parents is employed if the child has a
medical condition that may require emergency medical attention.
The parent of a child entitled to attend school under division
(F)(3) of this section shall submit to the board of education of
the district in which the parent is employed a statement from the
child's physician certifying that the child's medical condition
may require emergency medical attention. The statement shall be
supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's
parent is entitled, for a period not to exceed twelve months, to
attend school in the district in which that person resides if the
child's parent files an affidavit with the superintendent of the
district in which the person with whom the child is living resides
stating all of the following:

(a) That the parent is serving outside of the state in the
armed services of the United States;

(b) That the parent intends to reside in the district upon
returning to this state;

(c) The name and address of the person with whom the child is
living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after

the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer

confirming that the parent has a contract to purchase the house, 11503
that the parent is waiting upon the date of closing of the 11504
mortgage loan, and that the house is at the location indicated in 11505
the parent's statement. 11506

The district superintendent shall establish a period of time 11507
not to exceed ninety days during which the child entitled to 11508
attend school under division (F)(6) or (7) of this section may 11509
attend without tuition obligation. A student attending a school 11510
under division (F)(6) or (7) of this section shall be eligible to 11511
participate in interscholastic athletics under the auspices of 11512
that school, provided the board of education of the school 11513
district where the student's parent resides, by a formal action, 11514
releases the student to participate in interscholastic athletics 11515
at the school where the student is attending, and provided the 11516
student receives any authorization required by a public agency or 11517
private organization of which the school district is a member 11518
exercising authority over interscholastic sports. 11519

(8) A child whose parent is a full-time employee of a city, 11520
local, or exempted village school district, or of an educational 11521
service center, may be admitted to the schools of the district 11522
where the child's parent is employed, or in the case of a child 11523
whose parent is employed by an educational service center, in the 11524
district that serves the location where the parent's job is 11525
primarily located, provided the district board of education 11526
establishes such an admission policy by resolution adopted by a 11527
majority of its members. Any such policy shall take effect on the 11528
first day of the school year and the effective date of any 11529
amendment or repeal may not be prior to the first day of the 11530
subsequent school year. The policy shall be uniformly applied to 11531
all such children and shall provide for the admission of any such 11532
child upon request of the parent. No child may be admitted under 11533
this policy after the first day of classes of any school year. 11534

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to

attend the schools of the district in which the child's
grandparent resides, provided that, prior to such attendance in
any school year, the board of education of the school district in
which the child's grandparent resides and the board of education
of the school district in which the child's parent resides enter
into a written agreement specifying that good cause exists for
such attendance, describing the nature of this good cause, and
consenting to such attendance.

In lieu of a consent form signed by a parent, a board of
education may request the grandparent of a child attending school
in the district in which the grandparent resides pursuant to
division (F)(11) of this section to complete any consent form
required by the district, including any authorization required by
sections 3313.712, 3313.713, and 3313.716 of the Revised Code.
Upon request, the grandparent shall complete any consent form
required by the district. A school district shall not incur any
liability solely because of its receipt of a consent form from a
grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall
not be construed as creating, a new cause of action or substantive
legal right against a school district, a member of a board of
education, or an employee of a school district. This section does
not affect, and shall not be construed as affecting, any
immunities from defenses to tort liability created or recognized
by Chapter 2744. of the Revised Code for a school district,
member, or employee.

(12) A child under the age of twenty-two years is entitled to
attend school in a school district other than the district in
which the child is entitled to attend school under division (B),
(C), or (E) of this section provided that, prior to such
attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is 11598
entitled to attend school under division (B), (C), or (E) of this 11599
section contacts the superintendent of another district for 11600
purposes of this division; 11601

(b) The superintendents of both districts enter into a 11602
written agreement that consents to the attendance and specifies 11603
that the purpose of such attendance is to protect the student's 11604
physical or mental well-being or to deal with other extenuating 11605
circumstances deemed appropriate by the superintendents. 11606

While an agreement is in effect under this division for a 11607
student who is not receiving special education under Chapter 3323. 11608
of the Revised Code and notwithstanding Chapter 3327. of the 11609
Revised Code, the board of education of neither school district 11610
involved in the agreement is required to provide transportation 11611
for the student to and from the school where the student attends. 11612

A student attending a school of a district pursuant to this 11613
division shall be allowed to participate in all student 11614
activities, including interscholastic athletics, at the school 11615
where the student is attending on the same basis as any student 11616
who has always attended the schools of that district while of 11617
compulsory school age. 11618

(13) All school districts shall comply with the 11619
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 11620
seq., for the education of homeless children. Each city, local, 11621
and exempted village school district shall comply with the 11622
requirements of that act governing the provision of a free, 11623
appropriate public education, including public preschool, to each 11624
homeless child. 11625

When a child loses permanent housing and becomes a homeless 11626
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 11627
such a homeless person changes temporary living arrangements, the 11628

child's parent or guardian shall have the option of enrolling the 11629
child in either of the following: 11630

(a) The child's school of origin, as defined in 42 U.S.C.A. 11631
11432(g)(3)(C); 11632

(b) The school that is operated by the school district in 11633
which the shelter where the child currently resides is located and 11634
that serves the geographic area in which the shelter is located. 11635

(14) A child under the age of twenty-two years who resides 11636
with a person other than the child's parent is entitled to attend 11637
school in the school district in which that person resides if both 11638
of the following apply: 11639

(a) That person has been appointed, through a military power 11640
of attorney executed under section 574(a) of the "National Defense 11641
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 11642
U.S.C. 1044b, or through a comparable document necessary to 11643
complete a family care plan, as the parent's agent for the care, 11644
custody, and control of the child while the parent is on active 11645
duty as a member of the national guard or a reserve unit of the 11646
armed forces of the United States or because the parent is a 11647
member of the armed forces of the United States and is on a duty 11648
assignment away from the parent's residence. 11649

(b) The military power of attorney or comparable document 11650
includes at least the authority to enroll the child in school. 11651

The entitlement to attend school in the district in which the 11652
parent's agent under the military power of attorney or comparable 11653
document resides applies until the end of the school year in which 11654
the military power of attorney or comparable document expires. 11655

(G) A board of education, after approving admission, may 11656
waive tuition for students who will temporarily reside in the 11657
district and who are either of the following: 11658

(1) Residents or domiciliaries of a foreign nation who 11659
request admission as foreign exchange students; 11660

(2) Residents or domiciliaries of the United States but not 11661
of Ohio who request admission as participants in an exchange 11662
program operated by a student exchange organization. 11663

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 11664
3327.04, and 3327.06 of the Revised Code, a child may attend 11665
school or participate in a special education program in a school 11666
district other than in the district where the child is entitled to 11667
attend school under division (B) of this section. 11668

(I)(1) Notwithstanding anything to the contrary in this 11669
section or section 3313.65 of the Revised Code, a child under 11670
twenty-two years of age may attend school in the school district 11671
in which the child, at the end of the first full week of October 11672
of the school year, was entitled to attend school as otherwise 11673
provided under this section or section 3313.65 of the Revised 11674
Code, if at that time the child was enrolled in the schools of the 11675
district but since that time the child or the child's parent has 11676
relocated to a new address located outside of that school district 11677
and within the same county as the child's or parent's address 11678
immediately prior to the relocation. The child may continue to 11679
attend school in the district, and at the school to which the 11680
child was assigned at the end of the first full week of October of 11681
the current school year, for the balance of the school year. 11682
Division (I)(1) of this section applies only if both of the 11683
following conditions are satisfied: 11684

(a) The board of education of the school district in which 11685
the child was entitled to attend school at the end of the first 11686
full week in October and of the district to which the child or 11687
child's parent has relocated each has adopted a policy to enroll 11688
children described in division (I)(1) of this section. 11689

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to

division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall
be construed to require or authorize, the admission to a public
school in this state of a pupil who has been permanently excluded
from public school attendance by the superintendent of public
instruction pursuant to sections 3301.121 and 3313.662 of the
Revised Code.

(M) In accordance with division (B)(1) of this section, a
child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

Sec. 3313.6410. This section applies to any school that is
operated by a school district and in which the enrolled students
work primarily on assignments in nonclassroom-based learning
opportunities provided via an internet- or other computer-based
instructional method.

(A) Any school to which this section applies shall withdraw
from the school any student who, for two consecutive school years,
has failed to participate in the spring administration of any test
prescribed under section 3301.0710 or 3301.0712 of the Revised
Code for the student's grade level and was not excused from the

test pursuant to division (C)(1) or (3) of section 3301.0711 of
the Revised Code, regardless of whether a waiver was granted for
the student under division (E) of section 3317.03 of the Revised
Code. The school shall report any such student's data verification
code, as assigned pursuant to section 3301.0714 of the Revised
Code, to the department of education to be added to the list
maintained by the department under section 3314.26 of the Revised
Code.

(B) No school to which this section applies shall receive any
state funds under Chapter 3317. of the Revised Code for any
enrolled student whose data verification code appears on the list
maintained by the department under section 3314.26 of the Revised
Code. Notwithstanding any provision of the Revised Code to the
contrary, the parent of any such student shall pay tuition to the
school district that operates the school in an amount equal to the
state funds the district otherwise would receive for that student,
as determined by the department. A school to which this section
applies may withdraw any student for whom the parent does not pay
tuition as required by this division.

Sec. 3313.813. (A) As used in this section:

(1) "Outdoor education center" means a public or nonprofit
private entity that provides to pupils enrolled in any public or
chartered nonpublic elementary or secondary school an outdoor
educational curriculum that the school considers to be part of its
educational program.

(2) "Outside-school-hours care center" has the meaning
established in 7 C.F.R. 226.2.

(B) The state board of education shall establish standards
for a school lunch program, school breakfast program, child and
adult care food program, special food service program for

children, summer food service program for children, special milk 11814
program for children, food service equipment assistance program, 11815
and commodity distribution program established under the "National 11816
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 11817
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 11818
U.S.C. 1771, as amended. Any board of education of a school 11819
district, nonprofit private school, outdoor education center, 11820
child care institution, outside-school-hours care center, or 11821
summer camp desiring to participate in such a program or required 11822
to participate under this section shall, if eligible to 11823
participate under the "National School Lunch Act," as amended, or 11824
the "Child Nutrition Act of 1966," as amended, make application to 11825
the state board of education for assistance. The board shall 11826
administer the allocation and distribution of all state and 11827
federal funds for these programs. 11828

(C) The state board of education shall require the board of 11829
education of each school district ~~included under this division and~~ 11830
each chartered or nonchartered nonpublic school to establish and 11831
maintain a school breakfast ~~and, lunch, and summer food service~~ 11832
program pursuant to the "National School Lunch Act" and the "Child 11833
Nutrition Act of 1966-," as described in divisions (C)(1) to (5) 11834
of this section. 11835

(1) The state board shall require the board of education in 11836
each school district and each chartered or nonchartered nonpublic 11837
school to establish a breakfast program in every school where at 11838
least ~~one-third~~ one-fifth of the pupils in the school are eligible 11839
under federal requirements for free breakfasts and to establish a 11840
lunch program in every school where at least ~~one-third~~ one-fifth 11841
of the pupils are eligible for free lunches. The board of 11842
education or nonpublic school required to establish a breakfast 11843
program under this division may make a charge in accordance with 11844
federal requirements for each reduced price breakfast or paid 11845

breakfast to cover the cost incurred in providing that meal. 11846

(2) The state board shall require the board of education in 11847
each school district to establish a breakfast program in every 11848
school in which the parents of at least one-half of the children 11849
enrolled in the school have requested that the breakfast program 11850
be established. The board of education required to establish a 11851
program under this division may make a charge for each meal to 11852
cover all or part of the costs incurred in establishing such a 11853
program. 11854

(3) The state board of education shall require the board of 11855
education in each school district to establish one of the 11856
following for summer intervention services described in division 11857
(D) of section 3301.0711 and section 3313.608 of the Revised Code 11858
and any other summer intervention program required by law: 11859

(a) An extension of the school breakfast program pursuant to 11860
the "National School Lunch Act" and the "Child Nutrition Act of 11861
1966"; 11862

(b) An extension of the school lunch program pursuant to 11863
those acts; 11864

(c) A summer food service program pursuant to those acts. 11865

(4)(a) If the board of education of a school district 11866
determines that, for financial reasons, it cannot comply with 11867
division (C)(1) or (3) of this section, the district board may 11868
choose not to comply with either or both divisions, except as 11869
provided in division (C)(4)(b) of this section. The district board 11870
publicly shall communicate to the residents of the district, in 11871
the manner it determines appropriate, its decision not to comply. 11872

(b) If a district board chooses not to comply with division 11873
(C)(1) of this section, the state board of education nevertheless 11874
shall require the district board to establish a breakfast program 11875
in every school where at least one-third of the pupils in the 11876

school are eligible under federal requirements for free breakfasts 11877
and to establish a lunch program in every school where at least 11878
one-third of the pupils are eligible for free lunches. The 11879
district board may make a charge in accordance with federal 11880
requirements for each reduced price breakfast or paid breakfast to 11881
cover the cost incurred in providing that meal. 11882

(c) If a school district cannot for good cause comply with 11883
the requirements of division (C)~~(1)~~~~or~~(2) or (4)(b) of this 11884
section at the time the state board determines that a district is 11885
subject to these requirements, the state board of education shall 11886
grant a reasonable extension of time. Good cause for an extension 11887
of time shall include, but need not be limited to, economic 11888
impossibility of compliance with the requirements at the time the 11889
state board determines that a district is subject to them. 11890

(5) If the governing authority of a nonpublic school 11891
determines that it cannot comply with division (C)(1) of this 11892
section for financial reasons, the governing authority may choose 11893
not to comply. In that case, the governing authority shall 11894
communicate to the parents of its students, in the manner it 11895
determines appropriate, its decision not to comply. 11896

(D)(1) The state board of education shall accept the 11897
application of any outdoor education center in the state making 11898
application for participation in a program pursuant to division 11899
(B) of this section. 11900

(2) For purposes of participation in any program pursuant to 11901
this section, the board shall certify any outdoor education center 11902
making application as an educational unit that is part of the 11903
educational system of the state, if the center: 11904

(a) Meets the definition of an outdoor education center; 11905

(b) Provides its outdoor education curriculum to pupils on an 11906
overnight basis so that pupils are in residence at the center for 11907

more than twenty-four consecutive hours; 11908

(c) Operates under public or nonprofit private ownership in a 11909
single building or complex of buildings. 11910

(3) The board shall approve any outdoor education center 11911
certified under this division for participation in the program for 11912
which the center is making application on the same basis as any 11913
other applicant for that program. 11914

Sec. 3314.02. (A) As used in this chapter: 11915

(1) "Sponsor" means an entity listed in division (C)(1) of 11916
this section, which has been approved by the department of 11917
education to sponsor community schools and with which the 11918
governing authority of the proposed community school enters into a 11919
contract pursuant to this section. 11920

(2) "Pilot project area" means the school districts included 11921
in the territory of the former community school pilot project 11922
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 11923
the 122nd general assembly. 11924

(3) "Challenged school district" means any of the following: 11925

(a) A school district that is part of the pilot project area; 11926

(b) A school district that is either in a state of academic 11927
emergency or in a state of academic watch under section 3302.03 of 11928
the Revised Code; 11929

(c) A big eight school district. 11930

(4) "Big eight school district" means a school district that 11931
for fiscal year 1997 had both of the following: 11932

(a) A percentage of children residing in the district and 11933
participating in the predecessor of Ohio works first greater than 11934
thirty per cent, as reported pursuant to section 3317.10 of the 11935
Revised Code; 11936

(b) An average daily membership greater than twelve thousand, 11937
as reported pursuant to former division (A) of section 3317.03 of 11938
the Revised Code. 11939

(5) "New start-up school" means a community school other than 11940
one created by converting all or part of an existing public 11941
school, as designated in the school's contract pursuant to 11942
division (A)(17) of section 3314.03 of the Revised Code. 11943

(6) "Urban school district" means one of the state's 11944
twenty-one urban school districts as defined in division (O) of 11945
section 3317.02 of the Revised Code as that section existed prior 11946
to July 1, 1998. 11947

(7) "Internet- or computer-based community school" means a 11948
community school established under this chapter in which the 11949
enrolled students work primarily from their residences on 11950
assignments in nonclassroom-based learning opportunities provided 11951
via an internet- or other computer-based instructional method that 11952
does not rely on regular classroom instruction or via 11953
comprehensive instructional methods that include internet-based, 11954
other computer-based, and noncomputer-based learning 11955
opportunities. 11956

(B) Any person or group of individuals may initially propose 11957
under this division the conversion of all or a portion of a public 11958
school to a community school. The proposal shall be made to the 11959
board of education of the city, local, or exempted village school 11960
district in which the public school is proposed to be converted. 11961
Upon receipt of a proposal, a board may enter into a preliminary 11962
agreement with the person or group proposing the conversion of the 11963
public school, indicating the intention of the board of education 11964
to support the conversion to a community school. A proposing 11965
person or group that has a preliminary agreement under this 11966
division may proceed to finalize plans for the school, establish a 11967

governing authority for the school, and negotiate a contract with
the board of education. Provided the proposing person or group
adheres to the preliminary agreement and all provisions of this
chapter, the board of education shall negotiate in good faith to
enter into a contract in accordance with section 3314.03 of the
Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under
this division the establishment of a new start-up school to be
located in a challenged school district. The proposal may be made
to any of the following entities:

(a) The board of education of the district in which the
school is proposed to be located;

(b) The board of education of any joint vocational school
district with territory in the county in which is located the
majority of the territory of the district in which the school is
proposed to be located;

(c) The board of education of any other city, local, or
exempted village school district having territory in the same
county where the district in which the school is proposed to be
located has the major portion of its territory;

(d) The governing board of any educational service center;

(e) A sponsoring authority designated by the board of
trustees of any of the thirteen state universities listed in
section 3345.011 of the Revised Code or the board of trustees
itself as long as a mission of the proposed school to be specified
in the contract under division (A)(2) of section 3314.03 of the
Revised Code and as approved by the department of education under
division (B)(2) of section 3314.015 of the Revised Code will be
the practical demonstration of teaching methods, educational
technology, or other teaching practices that are included in the
curriculum of the university's teacher preparation program

approved by the state board of education;	11999
(f) Any qualified tax-exempt entity under section 501(c)(3)	12000
of the Internal Revenue Code as long as all of the following	12001
conditions are satisfied:	12002
(i) The entity has been in operation for at least five years	12003
prior to applying to be a community school sponsor.	12004
(ii) The entity has assets of at least five hundred thousand	12005
dollars <u>and a demonstrated record of financial responsibility.</u>	12006
(iii) The department of education has determined that the	12007
entity is an education-oriented entity under division (B)(3) of	12008
section 3314.015 of the Revised Code <u>and the entity has a</u>	12009
<u>demonstrated record of successful implementation of educational</u>	12010
<u>programs.</u>	12011
<u>(iv) The entity is not a community school.</u>	12012
Any entity described in division (C)(1) of this section may	12013
enter into a preliminary agreement pursuant to division (C)(2) of	12014
this section with the proposing person or group.	12015
(2) A preliminary agreement indicates the intention of an	12016
entity described in division (C)(1) of this section to sponsor the	12017
community school. A proposing person or group that has such a	12018
preliminary agreement may proceed to finalize plans for the	12019
school, establish a governing authority as described in division	12020
(E) of this section for the school, and negotiate a contract with	12021
the entity. Provided the proposing person or group adheres to the	12022
preliminary agreement and all provisions of this chapter, the	12023
entity shall negotiate in good faith to enter into a contract in	12024
accordance with section 3314.03 of the Revised Code.	12025
(3) A new start-up school that is established in a school	12026
district while that district is either in a state of academic	12027
emergency or in a state of academic watch under section 3302.03 of	12028

the Revised Code may continue in existence once the school
district is no longer in a state of academic emergency or academic
watch, provided there is a valid contract between the school and a
sponsor.

(4) A copy of every preliminary agreement entered into under
this division shall be filed with the superintendent of public
instruction.

(D) A majority vote of the board of a sponsoring entity and a
majority vote of the members of the governing authority of a
community school shall be required to adopt a contract and convert
the public school to a community school or establish the new
start-up school. Beginning ~~on the effective date of this amendment~~
September 29, 2005, adoption of the contract shall occur not later
than the fifteenth day of March, and signing of the contract shall
occur not later than the fifteenth day of May, prior to the school
year in which the school will open. The governing authority shall
notify the department of education when the contract has been
signed. Subject to sections 3314.013 and 3314.014 of the Revised
Code, an unlimited number of community schools may be established
in any school district provided that a contract is entered into
for each community school pursuant to this chapter.

(E) As used in this division, "immediate relatives" are
limited to spouses, children, parents, grandparents, siblings, and
in-laws.

Each new start-up community school established under this
chapter shall be under the direction of a governing authority
which shall consist of a board of not less than five individuals
who are not owners or employees, or immediate relatives of owners
or employees, of any for-profit firm that operates or manages a
school for the governing authority.

No person shall serve on the governing authority or operate

the community school under contract with the governing authority 12060
so long as the person owes the state any money or is in a dispute 12061
over whether the person owes the state any money concerning the 12062
operation of a community school that has closed. 12063

(F) Nothing in this chapter shall be construed to permit the 12064
establishment of a community school in more than one school 12065
district under the same contract. 12066

(G)(1) A new start-up school that is established prior to 12067
August 15, 2003, in an urban school district that is not also a 12068
big-eight school district may continue to operate after that date 12069
and the contract between the school's governing authority and the 12070
school's sponsor may be renewed, as provided under this chapter, 12071
after that date, but no additional new start-up schools may be 12072
established in such a district unless the district is a challenged 12073
school district as defined in this section as it exists on and 12074
after that date. 12075

(2) A community school that was established prior to June 29, 12076
1999, and is located in a county contiguous to the pilot project 12077
area and in a school district that is not a challenged school 12078
district may continue to operate after that date, provided the 12079
school complies with all provisions of this chapter. The contract 12080
between the school's governing authority and the school's sponsor 12081
may be renewed, but no additional start-up community school may be 12082
established in that district unless the district is a challenged 12083
school district. 12084

Sec. 3314.08. (A) As used in this section: 12085

(1) "Base formula amount" means the amount specified as such 12086
in a community school's financial plan for a school year pursuant 12087
to division (A)(15) of section 3314.03 of the Revised Code. 12088

(2) "Cost-of-doing-business factor" has the same meaning as 12089

in section 3317.02 of the Revised Code.	12090
(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	12091 12092
(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.	12093 12094 12095
(5) "Applicable vocational education weight" means:	12096
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	12097 12098 12099
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	12100 12101 12102
(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	12103 12104 12105
(7) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	12106 12107 12108 12109
(8) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	12110 12111 12112 12113 12114 12115
(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	12116 12117
(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4),	12118 12119

(D), (E), and (F) of section 3317.022, divisions ~~(J)~~(G), ~~(P)~~(L),
and ~~(R)~~(N) of section 3317.024, and sections 3317.029, 3317.0216,
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised
Code after making the adjustments required by sections 3313.981
and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N),
and (O) of section 3317.023, and division (C) of section 3317.20
of the Revised Code.

(B) The state board of education shall adopt rules requiring
both of the following:

(1) The board of education of each city, exempted village,
and local school district to annually report the number of
students entitled to attend school in the district who are
enrolled in grades one through twelve in a community school
established under this chapter, the number of students entitled to
attend school in the district who are enrolled in kindergarten in
a community school, the number of those kindergartners who are
enrolled in all-day kindergarten in their community school, and
for each child, the community school in which the child is
enrolled.

(2) The governing authority of each community school
established under this chapter to annually report all of the
following:

(a) The number of students enrolled in grades one through
twelve and the number of students enrolled in kindergarten in the
school who are not receiving special education and related
services pursuant to an IEP;

(b) The number of enrolled students in grades one through
twelve and the number of enrolled students in kindergarten, who
are receiving special education and related services pursuant to
an IEP;

(c) The number of students reported under division (B)(2)(b)

of this section receiving special education and related services 12151
pursuant to an IEP for a handicap described in each of divisions 12152
(A) to (F) of section 3317.013 of the Revised Code; 12153

(d) The full-time equivalent number of students reported 12154
under divisions (B)(2)(a) and (b) of this section who are enrolled 12155
in vocational education programs or classes described in each of 12156
divisions (A) and (B) of section 3317.014 of the Revised Code that 12157
are provided by the community school; 12158

(e) Twenty per cent of the number of students reported under 12159
divisions (B)(2)(a) and (b) of this section who are not reported 12160
under division (B)(2)(d) of this section but who are enrolled in 12161
vocational education programs or classes described in each of 12162
divisions (A) and (B) of section 3317.014 of the Revised Code at a 12163
joint vocational school district under a contract between the 12164
community school and the joint vocational school district and are 12165
entitled to attend school in a city, local, or exempted village 12166
school district whose territory is part of the territory of the 12167
joint vocational district; 12168

(f) The number of enrolled preschool handicapped students 12169
receiving special education services in a state-funded unit; 12170

(g) The community school's base formula amount; 12171

(h) For each student, the city, exempted village, or local 12172
school district in which the student is entitled to attend school; 12173

(i) Any poverty-based assistance reduction factor that 12174
applies to a school year. 12175

(C) From the SF-3 payment made to a city, exempted village, 12176
or local school district and, if necessary, from the payment made 12177
to the district under sections 321.24 and 323.156 of the Revised 12178
Code, the department of education shall annually subtract the sum 12179
of the amounts described in divisions (C)(1) to (9) of this 12180

section. However, when deducting payments on behalf of students 12181
enrolled in internet- or computer-based community schools, the 12182
department shall deduct only those amounts described in divisions 12183
(C)(1) and (2) of this section. Furthermore, the aggregate amount 12184
deducted under this division shall not exceed the sum of the 12185
district's SF-3 payment and its payment under sections 321.24 and 12186
323.156 of the Revised Code. 12187

(1) An amount equal to the sum of the amounts obtained when, 12188
for each community school where the district's students are 12189
enrolled, the number of the district's students reported under 12190
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 12191
in grades one through twelve, and one-half the number of students 12192
reported under those divisions who are enrolled in kindergarten, 12193
in that community school is multiplied by the greater of the 12194
following: 12195

(a) The fiscal year 2005 base formula amount of that 12196
community school as adjusted by the school district's fiscal year 12197
2005 cost-of-doing-business factor; 12198

(b) The sum of (the current base formula amount of that 12199
community school times the school district's current 12200
cost-of-doing-business factor) plus the per pupil amount of the 12201
base funding supplements specified in divisions (C)(1) to (4) of 12202
section 3317.012 of the Revised Code. 12203

(2) The sum of the amounts calculated under divisions 12204
(C)(2)(a) and (b) of this section: 12205

(a) For each of the district's students reported under 12206
division (B)(2)(c) of this section as enrolled in a community 12207
school in grades one through twelve and receiving special 12208
education and related services pursuant to an IEP for a handicap 12209
described in section 3317.013 of the Revised Code, the product of 12210
the applicable special education weight times the community 12211

school's base formula amount; 12212

(b) For each of the district's students reported under 12213
division (B)(2)(c) of this section as enrolled in kindergarten in 12214
a community school and receiving special education and related 12215
services pursuant to an IEP for a handicap described in section 12216
3317.013 of the Revised Code, one-half of the amount calculated as 12217
prescribed in division (C)(2)(a) of this section. 12218

(3) For each of the district's students reported under 12219
division (B)(2)(d) of this section for whom payment is made under 12220
division (D)(4) of this section, the amount of that payment; 12221

(4) An amount equal to the sum of the amounts obtained when, 12222
for each community school where the district's students are 12223
enrolled, the number of the district's students enrolled in that 12224
community school who are included in the district's poverty 12225
student count is multiplied by the per pupil amount of 12226
poverty-based assistance the school district receives that year 12227
pursuant to division (B) or (C) of section 3317.029 of the Revised 12228
Code, as adjusted by any poverty-based assistance reduction factor 12229
of that community school. If the district receives poverty-based 12230
assistance under division (B) of that section, the per pupil 12231
amount of that aid is the quotient of the amount the district 12232
received under that division divided by the district's poverty 12233
student count, as defined in that section. If the district 12234
receives poverty-based assistance under division (C) of section 12235
3317.029 of the Revised Code, the per pupil amount of that aid for 12236
the district shall be calculated by the department. 12237

(5) An amount equal to the sum of the amounts obtained when, 12238
for each community school where the district's students are 12239
enrolled, the district's per pupil amount of aid received under 12240
division (E) of section 3317.029 of the Revised Code, as adjusted 12241
by any poverty-based assistance reduction factor of the community 12242

school, is multiplied by the sum of the following: 12243

(a) The number of the district's students reported under 12244
division (B)(2)(a) of this section who are enrolled in grades one 12245
to three in that community school and who are not receiving 12246
special education and related services pursuant to an IEP; 12247

(b) One-half of the district's students who are enrolled in 12248
all-day or any other kindergarten class in that community school 12249
and who are not receiving special education and related services 12250
pursuant to an IEP; 12251

(c) One-half of the district's students who are enrolled in 12252
all-day kindergarten in that community school and who are not 12253
receiving special education and related services pursuant to an 12254
IEP. 12255

The district's per pupil amount of aid under division (E) of 12256
section 3317.029 of the Revised Code is the quotient of the amount 12257
the district received under that division divided by the 12258
district's kindergarten through third grade ADM, as defined in 12259
that section. 12260

(6) An amount equal to the sum of the amounts obtained when, 12261
for each community school where the district's students are 12262
enrolled, the district's per pupil amount received under division 12263
(F) of section 3317.029 of the Revised Code, as adjusted by any 12264
poverty-based assistance reduction factor of that community 12265
school, is multiplied by the number of the district's students 12266
enrolled in the community school who are identified as 12267
limited-English proficient. 12268

(7) An amount equal to the sum of the amounts obtained when, 12269
for each community school where the district's students are 12270
enrolled, the district's per pupil amount received under division 12271
(G) of section 3317.029 of the Revised Code, as adjusted by any 12272
poverty-based assistance reduction factor of that community 12273

school, is multiplied by the sum of the following: 12274

(a) The number of the district's students enrolled in grades 12275
one through twelve in that community school; 12276

(b) One-half of the number of the district's students 12277
enrolled in kindergarten in that community school. 12278

The district's per pupil amount under division (G) of section 12279
3317.029 of the Revised Code is the district's amount per teacher 12280
calculated under division (G)(1) or (2) of that section divided by 12281
17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in 12282
fiscal year 2007. 12283

(8) An amount equal to the sum of the amounts obtained when, 12284
for each community school where the district's students are 12285
enrolled, the district's per pupil amount received under divisions 12286
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 12287
by any poverty-based assistance reduction factor of that community 12288
school, is multiplied by the sum of the following: 12289

(a) The number of the district's students enrolled in grades 12290
one through twelve in that community school; 12291

(b) One-half of the number of the district's students 12292
enrolled in kindergarten in that community school. 12293

The district's per pupil amount under divisions (H) and (I) 12294
of section 3317.029 of the Revised Code is the amount calculated 12295
under each division divided by the district's formula ADM, as 12296
defined in section 3317.02 of the Revised Code. 12297

(9) An amount equal to the per pupil state parity aid funding 12298
calculated for the school district under either division (C) or 12299
(D) of section 3317.0217 of the Revised Code multiplied by the sum 12300
of the number of students in grades one through twelve, and 12301
one-half of the number of students in kindergarten, who are 12302
entitled to attend school in the district and are enrolled in a 12303

community school as reported under division (B)(1) of this 12304
section. 12305

(D) The department shall annually pay to a community school 12306
established under this chapter the sum of the amounts described in 12307
divisions (D)(1) to (10) of this section. However, the department 12308
shall calculate and pay to each internet- or computer-based 12309
community school only the amounts described in divisions (D)(1) to 12310
(3) of this section. Furthermore, the sum of the payments to all 12311
community schools under divisions (D)(1), (2), and (4) to (10) of 12312
this section for the students entitled to attend school in any 12313
particular school district shall not exceed the sum of that 12314
district's SF-3 payment and its payment under sections 321.24 and 12315
323.156 of the Revised Code. If the sum of the payments calculated 12316
under those divisions for the students entitled to attend school 12317
in a particular school district exceeds the sum of that district's 12318
SF-3 payment and its payment under sections 321.24 and 323.156 of 12319
the Revised Code, the department shall calculate and apply a 12320
proration factor to the payments to all community schools under 12321
those divisions for the students entitled to attend school in that 12322
district. 12323

(1) Subject to section 3314.085 of the Revised Code, an 12324
amount equal to the sum of the amounts obtained when the number of 12325
students enrolled in grades one through twelve, plus one-half of 12326
the kindergarten students in the school, reported under divisions 12327
(B)(2)(a), (b), and (e) of this section who are not receiving 12328
special education and related services pursuant to an IEP for a 12329
handicap described in section 3317.013 of the Revised Code is 12330
multiplied by the greater of the following: 12331

(a) The community school's fiscal year 2005 base formula 12332
amount, as adjusted by the fiscal year 2005 cost-of-doing-business 12333
factor of the school district in which the student is entitled to 12334
attend school; 12335

(b) The sum of (the community school's current base formula amount times the current cost-of-doing-business factor of the school district in which the student is entitled to attend school) plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 12336
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(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section: 12342
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12345

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds; 12346
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(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section: 12350
12351

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount: 12352
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the greater of (the community school's fiscal year 2005 base formula amount X the fiscal year 2005 cost-of-doing-business factor of the district where the student is entitled to attend school) or [(the school's current base formula amount times the current cost-of-doing-business factor of the school district where the student is entitled to attend school) plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code] + (the applicable special education weight X the 12357
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community school's base formula amount); 12367

(ii) For each student reported under division (B)(2)(c) of 12368
this section as enrolled in kindergarten and receiving special 12369
education and related services pursuant to an IEP for a handicap 12370
described in section 3317.013 of the Revised Code, one-half of the 12371
amount calculated under the formula prescribed in division 12372
(D)(2)(b)(i) of this section. 12373

(3) An amount received from federal funds to provide special 12374
education and related services to students in the community 12375
school, as determined by the superintendent of public instruction. 12376

(4) For each student reported under division (B)(2)(d) of 12377
this section as enrolled in vocational education programs or 12378
classes that are described in section 3317.014 of the Revised 12379
Code, are provided by the community school, and are comparable as 12380
determined by the superintendent of public instruction to school 12381
district vocational education programs and classes eligible for 12382
state weighted funding under section 3317.014 of the Revised Code, 12383
an amount equal to the applicable vocational education weight 12384
times the community school's base formula amount times the 12385
percentage of time the student spends in the vocational education 12386
programs or classes. 12387

(5) An amount equal to the sum of the amounts obtained when, 12388
for each school district where the community school's students are 12389
entitled to attend school, the number of that district's students 12390
enrolled in the community school who are included in the 12391
district's poverty student count is multiplied by the per pupil 12392
amount of poverty-based assistance that school district receives 12393
that year pursuant to division (B) or (C) of section 3317.029 of 12394
the Revised Code, as adjusted by any poverty-based assistance 12395
reduction factor of the community school. The per pupil amount of 12396
aid shall be determined as described in division (C)(4) of this 12397
section. 12398

(6) An amount equal to the sum of the amounts obtained when, 12399
for each school district where the community school's students are 12400
entitled to attend school, the district's per pupil amount of aid 12401
received under division (E) of section 3317.029 of the Revised 12402
Code, as adjusted by any poverty-based assistance reduction factor 12403
of the community school, is multiplied by the sum of the 12404
following: 12405

(a) The number of the district's students reported under 12406
division (B)(2)(a) of this section who are enrolled in grades one 12407
to three in that community school and who are not receiving 12408
special education and related services pursuant to an IEP; 12409

(b) One-half of the district's students who are enrolled in 12410
all-day or any other kindergarten class in that community school 12411
and who are not receiving special education and related services 12412
pursuant to an IEP; 12413

(c) One-half of the district's students who are enrolled in 12414
all-day kindergarten in that community school and who are not 12415
receiving special education and related services pursuant to an 12416
IEP. 12417

The district's per pupil amount of aid under division (E) of 12418
section 3317.029 of the Revised Code shall be determined as 12419
described in division (C)(5) of this section. 12420

(7) An amount equal to the sum of the amounts obtained when, 12421
for each school district where the community school's students are 12422
entitled to attend school, the number of that district's students 12423
enrolled in the community school who are identified as 12424
limited-English proficient is multiplied by the district's per 12425
pupil amount received under division (F) of section 3317.029 of 12426
the Revised Code, as adjusted by any poverty-based assistance 12427
reduction factor of the community school. 12428

(8) An amount equal to the sum of the amounts obtained when, 12429

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

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

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

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

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

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

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

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

(10) An amount equal to the sum of the amounts obtained when,
for each school district where the community school's students are
entitled to attend school, the district's per pupil amount of

state parity aid funding calculated under either division (C) or 12460
(D) of section 3317.0217 of the Revised Code is multiplied by the 12461
sum of the number of that district's students enrolled in grades 12462
one through twelve, and one-half of the number of that district's 12463
students enrolled in kindergarten, in the community school as 12464
reported under division (B)(2)(a) and (b) of this section. 12465

(E)(1) If a community school's costs for a fiscal year for a 12466
student receiving special education and related services pursuant 12467
to an IEP for a handicap described in divisions (B) to (F) of 12468
section 3317.013 of the Revised Code exceed the threshold 12469
catastrophic cost for serving the student as specified in division 12470
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 12471
submit to the superintendent of public instruction documentation, 12472
as prescribed by the superintendent, of all its costs for that 12473
student. Upon submission of documentation for a student of the 12474
type and in the manner prescribed, the department shall pay to the 12475
community school an amount equal to the school's costs for the 12476
student in excess of the threshold catastrophic costs. 12477

(2) The community school shall only report under division 12478
(E)(1) of this section, and the department shall only pay for, the 12479
costs of educational expenses and the related services provided to 12480
the student in accordance with the student's individualized 12481
education program. Any legal fees, court costs, or other costs 12482
associated with any cause of action relating to the student may 12483
not be included in the amount. 12484

(F) A community school may apply to the department of 12485
education for preschool handicapped or gifted unit funding the 12486
school would receive if it were a school district. Upon request of 12487
its governing authority, a community school that received unit 12488
funding as a school district-operated school before it became a 12489
community school shall retain any units awarded to it as a school 12490
district-operated school provided the school continues to meet 12491

eligibility standards for the unit. 12492

A community school shall be considered a school district and 12493
its governing authority shall be considered a board of education 12494
for the purpose of applying to any state or federal agency for 12495
grants that a school district may receive under federal or state 12496
law or any appropriations act of the general assembly. The 12497
governing authority of a community school may apply to any private 12498
entity for additional funds. 12499

(G) A board of education sponsoring a community school may 12500
utilize local funds to make enhancement grants to the school or 12501
may agree, either as part of the contract or separately, to 12502
provide any specific services to the community school at no cost 12503
to the school. 12504

(H) A community school may not levy taxes or issue bonds 12505
secured by tax revenues. 12506

(I) No community school shall charge tuition for the 12507
enrollment of any student. 12508

(J)(1)(a) A community school may borrow money to pay any 12509
necessary and actual expenses of the school in anticipation of the 12510
receipt of any portion of the payments to be received by the 12511
school pursuant to division (D) of this section. The school may 12512
issue notes to evidence such borrowing. The proceeds of the notes 12513
shall be used only for the purposes for which the anticipated 12514
receipts may be lawfully expended by the school. 12515

(b) A school may also borrow money for a term not to exceed 12516
fifteen years for the purpose of acquiring facilities. 12517

(2) Except for any amount guaranteed under section 3318.50 of 12518
the Revised Code, the state is not liable for debt incurred by the 12519
governing authority of a community school. 12520

(K) For purposes of determining the number of students for 12521

which divisions (D)(5) and (6) of this section applies in any 12522
school year, a community school may submit to the department of 12523
job and family services, no later than the first day of March, a 12524
list of the students enrolled in the school. For each student on 12525
the list, the community school shall indicate the student's name, 12526
address, and date of birth and the school district where the 12527
student is entitled to attend school. Upon receipt of a list under 12528
this division, the department of job and family services shall 12529
determine, for each school district where one or more students on 12530
the list is entitled to attend school, the number of students 12531
residing in that school district who were included in the 12532
department's report under section 3317.10 of the Revised Code. The 12533
department shall make this determination on the basis of 12534
information readily available to it. Upon making this 12535
determination and no later than ninety days after submission of 12536
the list by the community school, the department shall report to 12537
the state department of education the number of students on the 12538
list who reside in each school district who were included in the 12539
department's report under section 3317.10 of the Revised Code. In 12540
complying with this division, the department of job and family 12541
services shall not report to the state department of education any 12542
personally identifiable information on any student. 12543

(L) The department of education shall adjust the amounts 12544
subtracted and paid under divisions (C) and (D) of this section to 12545
reflect any enrollment of students in community schools for less 12546
than the equivalent of a full school year. The state board of 12547
education within ninety days after April 8, 2003, shall adopt in 12548
accordance with Chapter 119. of the Revised Code rules governing 12549
the payments to community schools under this section including 12550
initial payments in a school year and adjustments and reductions 12551
made in subsequent periodic payments to community schools and 12552
corresponding deductions from school district accounts as provided 12553

under divisions (C) and (D) of this section. For purposes of this section: 12554
12555

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code. 12556
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(2) A student shall be considered to be enrolled in a community school during a school year for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur: 12560
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(a) The community school receives documentation from a parent terminating enrollment of the student. 12579
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(b) The community school is provided documentation of a student's enrollment in another public or private school. 12581
12582

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract 12583
12584

with the sponsor or the operation of any provision of this 12585
chapter. 12586

(3) A student's percentage of full-time equivalency shall be 12587
considered to be the percentage the hours of learning opportunity 12588
offered to that student is of nine hundred and twenty hours. 12589
However, no internet- or computer-based community school shall be 12590
credited for any time a student spends participating in learning 12591
opportunities beyond ten hours within any period of twenty-four 12592
consecutive hours. 12593

(M) The department of education shall reduce the amounts paid 12594
under division (D) of this section to reflect payments made to 12595
colleges under division (B) of section 3365.07 of the Revised 12596
Code. 12597

(N)(1) No student shall be considered enrolled in any 12598
internet- or computer-based community school or, if applicable to 12599
the student, in any community school that is required to provide 12600
the student with a computer pursuant to division (C) of section 12601
3314.22 of the Revised Code, unless both of the following 12602
conditions are satisfied: 12603

(a) The student possesses or has been provided with all 12604
required hardware and software materials and all such materials 12605
are operational so that the student is capable of fully 12606
participating in the learning opportunities specified in the 12607
contract between the school and the school's sponsor as required 12608
by division (A)(23) of section 3314.03 of the Revised Code; 12609

(b) The school is in compliance with division (A)(1) or (2) 12610
of section 3314.22 of the Revised Code, relative to such student. 12611

(2) In accordance with policies adopted jointly by the 12612
superintendent of public instruction and the auditor of state, the 12613
department shall reduce the amounts otherwise payable under 12614
division (D) of this section to any community school that includes 12615

in its program the provision of computer hardware and software 12616
materials to any student, if such hardware and software materials 12617
have not been delivered, installed, and activated for each such 12618
student in a timely manner or other educational materials or 12619
services have not been provided according to the contract between 12620
the individual community school and its sponsor. 12621

The superintendent of public instruction and the auditor of 12622
state shall jointly establish a method for auditing any community 12623
school to which this division pertains to ensure compliance with 12624
this section. 12625

The superintendent, auditor of state, and the governor shall 12626
jointly make recommendations to the general assembly for 12627
legislative changes that may be required to assure fiscal and 12628
academic accountability for such schools. 12629

(O)(1) If the department determines that a review of a 12630
community school's enrollment is necessary, such review shall be 12631
completed and written notice of the findings shall be provided to 12632
the governing authority of the community school and its sponsor 12633
within ninety days of the end of the community school's fiscal 12634
year, unless extended for a period not to exceed thirty additional 12635
days for one of the following reasons: 12636

(a) The department and the community school mutually agree to 12637
the extension. 12638

(b) Delays in data submission caused by either a community 12639
school or its sponsor. 12640

(2) If the review results in a finding that additional 12641
funding is owed to the school, such payment shall be made within 12642
thirty days of the written notice. If the review results in a 12643
finding that the community school owes moneys to the state, the 12644
following procedure shall apply: 12645

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(P) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver

from the requirement to take the test and a parent is not paying 12676
tuition for the student pursuant to section 3314.26 of the Revised 12677
Code. The superintendent may grant a waiver only for good cause in 12678
accordance with rules adopted by the state board of education. 12679

(4) Any student who has attained the age of twenty-two years, 12680
except for veterans of the armed services whose attendance was 12681
interrupted before completing the recognized twelve-year course of 12682
the public schools by reason of induction or enlistment in the 12683
armed forces and who apply for enrollment in a community school 12684
not later than four years after termination of war or their 12685
honorable discharge. If, however, any such veteran elects to 12686
enroll in special courses organized for veterans for whom tuition 12687
is paid under federal law, or otherwise, the department shall not 12688
subtract from a school district's state aid account under division 12689
(C) of this section and shall not pay to a community school under 12690
division (D) of this section any amount for that veteran. 12691

Sec. 3314.18. (A) Subject to division (C) of this section, 12692
the governing board of each community school shall establish a 12693
breakfast program pursuant to the "National School Lunch Act," 60 12694
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 12695
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 12696
if at least one-fifth of the pupils in the school are eligible 12697
under federal requirements for free breakfasts, and shall 12698
establish a lunch program pursuant to those acts if at least 12699
one-fifth of the pupils are eligible for free lunches. The 12700
governing board required to establish a breakfast program under 12701
this division may make a charge in accordance with federal 12702
requirements for each reduced price breakfast or paid breakfast to 12703
cover the cost incurred in providing that meal. 12704

(B) Subject to division (C) of this section, the governing 12705
board of each community school shall establish one of the 12706

following for summer intervention services described in division 12707
(D) of section 3301.0711 and section 3313.608 of the Revised Code 12708
and any other summer intervention program required by law: 12709

(1) An extension of the school breakfast program pursuant to 12710
the "National School Lunch Act" and the "Child Nutrition Act of 12711
1966"; 12712

(2) An extension of the school lunch program pursuant to 12713
those acts; 12714

(3) A summer food service program pursuant to those acts. 12715

(C) If the governing board of a community school determines 12716
that, for financial reasons, it cannot comply with division (A) or 12717
(B) of this section, the governing board may choose not to comply 12718
with either or both divisions. In that case, the governing board 12719
shall communicate to the parents of its students, in the manner it 12720
determines appropriate, its decision not to comply. 12721

(D) The governing board of each community school required to 12722
establish a school breakfast, school lunch, or summer food service 12723
program under this section shall apply for state and federal funds 12724
allocated by the state board of education under division (B) of 12725
section 3313.813 of the Revised Code and shall comply with the 12726
state board's standards adopted under that division. 12727

Sec. 3314.26. (A) Each internet- or computer-based community 12728
school shall withdraw from the school any student who, for two 12729
consecutive school years, has failed to participate in the spring 12730
administration of any test prescribed under section 3301.0710 or 12731
3301.0712 of the Revised Code for the student's grade level and 12732
was not excused from the test pursuant to division (C)(1) or (3) 12733
of section 3301.0711 of the Revised Code, regardless of whether a 12734
waiver was granted for the student under division (P)(3) of 12735
section 3314.08 of the Revised Code. The school shall report any 12736

such student's data verification code, as assigned pursuant to 12737
section 3301.0714 of the Revised Code, to the department of 12738
education. The department shall maintain a list of all data 12739
verification codes reported under this division and section 12740
3313.6410 of the Revised Code and provide that list to each 12741
internet- or computer-based community school and to each school to 12742
which section 3313.6410 of the Revised Code applies. 12743

(B) No internet- or computer-based community school shall 12744
receive any state funds under this chapter for any enrolled 12745
student whose data verification code appears on the list 12746
maintained by the department under division (A) of this section. 12747

Notwithstanding any provision of the ~~Revised~~ Revised Code to 12748
the contrary, the parent of any such student shall pay tuition to 12749
the internet- or computer-based community school in an amount 12750
equal to the state funds the school otherwise would receive for 12751
that student, as determined by the department. An internet- or 12752
computer-based community school may withdraw any student for whom 12753
the parent does not pay ~~tuition~~ tuition as required by this 12754
division. 12755

Sec. 3314.35. (A) This section applies to any community 12756
school established under this chapter that meets one or more of 12757
the following criteria: 12758

(1) The school is declared to be in need of continuous 12759
improvement, under an academic watch, or in a state of academic 12760
emergency pursuant to section 3302.03 of the Revised Code. 12761

(2) The school has not been in operation for at least two 12762
full school years. 12763

(3) The school does not offer any grade level for which an 12764
achievement test is prescribed under section 3301.0710 of the 12765
Revised Code or the number of students enrolled in each grade 12766

level offered by the school for which an achievement test is 12767
prescribed is too small to yield statistically reliable data about 12768
student performance, as determined by the department of education. 12769

(B) Beginning in the ~~2006-2007~~ 2007-2008 school year, each 12770
community school to which this section applies shall administer a 12771
reading and mathematics assessment approved by the department in 12772
the fall and spring of the school year to each student who is 12773
enrolled in any of grades one through twelve to measure the 12774
academic progress made by students during the school year. For 12775
each grade level, the community school shall administer the same 12776
assessment in the spring that the school administers in the fall. 12777

(C) Each community school that administers the assessments 12778
required by division (B) of this section shall be responsible for 12779
all costs associated with the administration and scoring of the 12780
assessments. Each community school shall report the scores of all 12781
students taking the assessments to the department in a manner 12782
prescribed by the department. 12783

(D) The department shall establish a list of nationally 12784
normed assessments in reading and mathematics that it approves for 12785
use by community schools under this section. The department may 12786
approve assessments in other subject areas, but no community 12787
school shall be required to administer an assessment in a subject 12788
area other than reading or mathematics under this section. 12789

(E) The sponsor of any community school to which this section 12790
does not apply may elect to have the school administer reading and 12791
mathematics assessments in accordance with this section. 12792

Sec. 3314.36. (A) Not later than July 1, ~~2006~~ 2007, the state 12793
board of education shall adopt rules establishing reasonable 12794
standards for expected gains in student achievement between the 12795
fall and spring administrations of the reading and mathematics 12796

assessments administered under section 3314.35 of the Revised Code 12797
and for expected gains in the graduation rate. 12798

(B) Any community school that is declared to be under an 12799
academic watch or in a state of academic emergency pursuant to 12800
section 3302.03 of the Revised Code after July 1, ~~2006~~ 2007, or to 12801
which division (A)(3) of section 3314.35 of the Revised Code 12802
applies shall be subject to division (C) of this section beginning 12803
the next school year if either of the following apply to the 12804
school: 12805

(1) The percentage of the school's total student population 12806
showing the expected gains in student achievement established 12807
under division (A) of this section on the reading or mathematics 12808
assessments administered most recently under section 3314.35 of 12809
the Revised Code is less than fifty-five per cent. 12810

(2) The school offers a high school diploma but is not 12811
showing the expected gains in the graduation rate established 12812
under division (A) of this section. 12813

A community school that has been in operation for one school 12814
year shall not be subject to division (C) of this section. 12815

(C)(1) In the first school year that a community school is 12816
subject to division (C) of this section, if the school is an 12817
internet- or computer-based community school, the school shall not 12818
enroll any students in excess of the number of students the school 12819
enrolled at the conclusion of the preceding school year. 12820

(2) In the second consecutive school year that a community 12821
school is subject to division (C) of this section, if the school 12822
is an internet- or computer-based community school, the school 12823
shall do both of the following: 12824

(a) Continue to comply with division (C)(1) of this section; 12825

(b) Withdraw from the school at the conclusion of the school 12826

year any student for whom any of the following conditions apply, 12827
unless the student's parent agrees to pay tuition to the school in 12828
an amount equal to the state funds the school otherwise would 12829
receive for that student as determined by the department of 12830
education: 12831

(i) For two consecutive school years, the student has taken 12832
the reading and mathematics assessments administered under section 12833
3314.35 of the Revised Code but has failed to show the expected 12834
gains in student achievement established under division (A) of 12835
this section for both reading and mathematics. 12836

(ii) For two consecutive school years, the student has not 12837
taken one or more of the reading and mathematics assessments 12838
described in division (C)(2)(b)(i) of this section. 12839

(iii) For one of two consecutive school years, the student 12840
took the reading and mathematics assessments described in division 12841
(C)(2)(b)(i) of this section but failed to show the expected gains 12842
in student achievement also described in that division for both 12843
reading and mathematics, and, for the other school year, the 12844
student did not take one or more of those assessments. 12845

After the conclusion of the school year, the school shall not 12846
receive state funds for any student who is required to be 12847
withdrawn or for whom tuition is owed under division (C)(2)(b) of 12848
this section. 12849

(3) In the third consecutive school year that any community 12850
school is subject to division (C) of this section, the following 12851
shall apply: 12852

(a) If the school is an internet- or computer-based community 12853
school, the school shall continue to comply with division 12854
(C)(1)(a) of this section. 12855

(b) The school shall be permanently closed at the conclusion 12856

of the school year.

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(D) The sponsor of any community school that is declared to be in need of continuous improvement, effective, or excellent pursuant to section 3302.03 of the Revised Code and offers one or more grade levels for which an achievement test is prescribed under section 3301.0710 of the Revised Code may elect to evaluate the performance of the school in accordance with division (B) of this section, provided the school administers reading and mathematics assessments under section 3314.35 of the Revised Code. If the sponsor so elects, the evaluation method shall be used for a minimum of three school years and shall be specified in the contract required by section 3314.03 of the Revised Code. Nothing in this division requires the sponsor of a community school that elects to evaluate the school in accordance with division (B) of this section to take any action specified in division (C) of this section, unless the contract requires such action.

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(E) In calculating the gains in student achievement demonstrated by a community school for the purposes of division (B) of this section, the department shall include the scores of all students who participated in the fall and spring administrations of the assessments administered under section 3314.35 of the Revised Code. If the school's participation rate for any grade level is less than ninety per cent, the department shall calculate the gains in academic achievement demonstrated by the students in that grade level as if the participation rate was ninety per cent by assuming a score of zero for each student that it is necessary to add to the participation rate to make that rate equal ninety per cent.

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Sec. 3315.01. (A) Except as provided in division (B) of this section and notwithstanding sections 3315.12 and 3315.14 of the Revised Code, the board of education of any school district may

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adopt a resolution requiring the treasurer of the district to 12888
credit the earnings made on the investment of the principal of the 12889
moneys specified in the resolution to the fund from which the 12890
earnings arose or any other fund of the district as the board 12891
specifies in its resolution. 12892

(B) This section does not apply to the earnings made on the 12893
investment of the bond retirement fund, the sinking fund, a 12894
project construction fund established pursuant to sections 3318.01 12895
to 3318.20 of the Revised Code, or the payments received by school 12896
districts pursuant to division ~~(H)~~(I) of section 3317.024 of the 12897
Revised Code. 12898

Sec. 3317.01. As used in this section and section 3317.011 of 12899
the Revised Code, "school district," unless otherwise specified, 12900
means any city, local, exempted village, joint vocational, or 12901
cooperative education school district and any educational service 12902
center. 12903

This chapter shall be administered by the state board of 12904
education. The superintendent of public instruction shall 12905
calculate the amounts payable to each school district and shall 12906
certify the amounts payable to each eligible district to the 12907
treasurer of the district as provided by this chapter. As soon as 12908
possible after such amounts are calculated, the superintendent 12909
shall certify to the treasurer of each school district the 12910
district's adjusted charge-off increase, as defined in section 12911
5705.211 of the Revised Code. No moneys shall be distributed 12912
pursuant to this chapter without the approval of the controlling 12913
board. 12914

The state board of education shall, in accordance with 12915
appropriations made by the general assembly, meet the financial 12916
obligations of this chapter. 12917

Annually, the department of education shall calculate and 12918

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

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the

entire year. 12951

Until fiscal year 2006, payments made during the first six 12952
months of the fiscal year may be based on an estimate of the 12953
amounts payable for the entire year. Payments made in the last six 12954
months shall be based on the final calculation of the amounts 12955
payable to each school district for that fiscal year. Payments 12956
made in the last six months may be adjusted, if necessary, to 12957
correct the amounts distributed in the first six months, and to 12958
reflect enrollment increases when such are at least three per 12959
cent. 12960

Beginning in fiscal year 2006, payments shall be calculated 12961
to reflect the biannual reporting of average daily membership. In 12962
fiscal year 2006 and in each fiscal year thereafter, payments for 12963
July through December shall be based on student counts certified 12964
pursuant to section 3317.03 of the Revised Code for the first full 12965
week in October, and payments for January through June shall be 12966
based on the average of student counts certified pursuant to that 12967
section for the first full week of the previous October and the 12968
third full week in February. 12969

Except as otherwise provided, payments under this chapter 12970
shall be made only to those school districts in which: 12971

(A) The school district, except for any educational service 12972
center and any joint vocational or cooperative education school 12973
district, levies for current operating expenses at least twenty 12974
mills. Levies for joint vocational or cooperative education school 12975
districts or county school financing districts, limited to or to 12976
the extent apportioned to current expenses, shall be included in 12977
this qualification requirement. School district income tax levies 12978
under Chapter 5748. of the Revised Code, limited to or to the 12979
extent apportioned to current operating expenses, shall be 12980
included in this qualification requirement to the extent 12981

determined by the tax commissioner under division (D) of section 12982
3317.021 of the Revised Code. 12983

(B) The school year next preceding the fiscal year for which 12984
such payments are authorized meets the requirement of section 12985
3313.48 or 3313.481 of the Revised Code, with regard to the 12986
minimum number of days or hours school must be open for 12987
instruction with pupils in attendance, for individualized 12988
parent-teacher conference and reporting periods, and for 12989
professional meetings of teachers. This requirement shall be 12990
waived by the superintendent of public instruction if it had been 12991
necessary for a school to be closed because of disease epidemic, 12992
hazardous weather conditions, inoperability of school buses or 12993
other equipment necessary to the school's operation, damage to a 12994
school building, or other temporary circumstances due to utility 12995
failure rendering the school building unfit for school use, 12996
provided that for those school districts operating pursuant to 12997
section 3313.48 of the Revised Code the number of days the school 12998
was actually open for instruction with pupils in attendance and 12999
for individualized parent-teacher conference and reporting periods 13000
is not less than one hundred seventy-five, or for those school 13001
districts operating on a trimester plan the number of days the 13002
school was actually open for instruction with pupils in attendance 13003
not less than seventy-nine days in any trimester, for those school 13004
districts operating on a quarterly plan the number of days the 13005
school was actually open for instruction with pupils in attendance 13006
not less than fifty-nine days in any quarter, or for those school 13007
districts operating on a pentamester plan the number of days the 13008
school was actually open for instruction with pupils in attendance 13009
not less than forty-four days in any pentamester. 13010

A school district shall not be considered to have failed to 13011
comply with this division or section 3313.481 of the Revised Code 13012
because schools were open for instruction but either twelfth grade 13013

students were excused from attendance for up to three days or only 13014
a portion of the kindergarten students were in attendance for up 13015
to three days in order to allow for the gradual orientation to 13016
school of such students. 13017

The superintendent of public instruction shall waive the 13018
requirements of this section with reference to the minimum number 13019
of days or hours school must be in session with pupils in 13020
attendance for the school year succeeding the school year in which 13021
a board of education initiates a plan of operation pursuant to 13022
section 3313.481 of the Revised Code. The minimum requirements of 13023
this section shall again be applicable to such a district 13024
beginning with the school year commencing the second July 13025
succeeding the initiation of one such plan, and for each school 13026
year thereafter. 13027

A school district shall not be considered to have failed to 13028
comply with this division or section 3313.48 or 3313.481 of the 13029
Revised Code because schools were open for instruction but the 13030
length of the regularly scheduled school day, for any number of 13031
days during the school year, was reduced by not more than two 13032
hours due to hazardous weather conditions. 13033

(C) The school district has on file, and is paying in 13034
accordance with, a teachers' salary schedule which complies with 13035
section 3317.13 of the Revised Code. 13036

A board of education or governing board of an educational 13037
service center which has not conformed with other law and the 13038
rules pursuant thereto, shall not participate in the distribution 13039
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 13040
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 13041
and sufficient reason established to the satisfaction of the state 13042
board of education and the state controlling board. 13043

All funds allocated to school districts under this chapter, 13044

except those specifically allocated for other purposes, shall be 13045
used to pay current operating expenses only. 13046

Sec. 3317.015. (A) In addition to the information certified 13047
to the department of education under division (A) of section 13048
3317.021 of the Revised Code, the tax commissioner shall, at the 13049
same time, certify the following information for each city, 13050
exempted village, and local school district to be used for the 13051
same purposes as described under that division: 13052

(1) The taxable value of the school district's carryover 13053
property, as defined in section 319.301 of the Revised Code, for 13054
the preceding tax year; 13055

(2) The ~~school district's~~ increase in such carryover 13056
~~valuation value~~, if any, between the second preceding tax year and 13057
the preceding tax year as used in calculating the percentage 13058
reduction under section 319.301 of the Revised Code. 13059

(B) ~~In any~~ For each fiscal year the department of education 13060
shall calculate each school district's recognized valuation in the 13061
following manner: 13062

(1) For a school district located in a county in which a 13063
reappraisal or triennial update occurred in the preceding tax 13064
year, the recognized valuation equals the district's total taxable 13065
value for the preceding tax year minus two-thirds times the 13066
increase in the carryover value from the second preceding tax year 13067
to the preceding tax year. 13068

(2) For a school district located in a county in which a 13069
reappraisal or triennial update occurred in the second preceding 13070
tax year, the recognized valuation equals the district's total 13071
taxable value for the preceding tax year minus one-third times the 13072
increase in the carryover value from the third preceding tax year 13073
to the second preceding tax year. 13074

(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to division (D) of section 3317.03 of the Revised Code. Beginning in fiscal year 2006, for payments in which formula ADM is a factor, for the months of July through December, formula ADM means the number reported in October of that year, and for the months of January through June, formula ADM means the average of the numbers reported in the previous October and in February.

(E) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years.

(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for the handicap specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

(7) "Category one vocational education ADM" means the average daily membership of students receiving vocational education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

(8) "Category two vocational education ADM" means the average daily membership of students receiving vocational education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

Beginning in fiscal year 2006, for payments in which category one through six special education ADM or category one or two vocational education ADM is a factor, for the months of July through December, those terms mean the numbers as described in division (F)(1) through (8) of this section, respectively, reported in October of that year, and for the months of January through June, those terms mean the average of the numbers as described in division (F)(1) through (8) of this section, respectively, reported in the previous October and in February.

(G) "Handicapped preschool child" means a handicapped child, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.

(K) "Average efficient transportation use cost per student" 13167
means a statistical representation of transportation costs as 13168
calculated under division (D)(2) of section 3317.022 of the 13169
Revised Code. 13170

(L) "Taxes charged and payable" means the taxes charged and 13171
payable against real and public utility property after making the 13172
reduction required by section 319.301 of the Revised Code, plus 13173
the taxes levied against tangible personal property. 13174

(M) "Total taxable value" means the sum of the amounts 13175
certified for a city, local, exempted village, or joint vocational 13176
school district under divisions (A)(1) and (2) of section 3317.021 13177
of the Revised Code. 13178

(N) "Cost-of-doing-business factor" means the amount 13179
indicated in division (N)(1) or (2) of this section for the county 13180
in which a city, local, exempted village, or joint vocational 13181
school district is located. If a city, local, or exempted village 13182
school district is located in more than one county, the factor is 13183
the amount indicated for the county to which the district is 13184
assigned by the state department of education. If a joint 13185
vocational school district is located in more than one county, the 13186
factor is the amount indicated for the county in which the joint 13187
vocational school with the greatest formula ADM operated by the 13188
district is located. 13189

(1) In fiscal year 2006, the cost-of-doing-business factor 13190
for each county is: 13191

COST-OF-DOING-BUSINESS		13192
COUNTY	FACTOR AMOUNT	13193
Adams	1.00233	13194
Allen	1.01373	13195
Ashland	1.01980	13196
Ashtabula	1.02647	13197

Athens	1.00093	13198
Auglaize	1.01647	13199
Belmont	1.00427	13200
Brown	1.01180	13201
Butler	1.04307	13202
Carroll	1.00913	13203
Champaign	1.02973	13204
Clark	1.02980	13205
Clermont	1.03607	13206
Clinton	1.02193	13207
Columbiana	1.01427	13208
Coshocton	1.01153	13209
Crawford	1.01093	13210
Cuyahoga	1.04173	13211
Darke	1.02253	13212
Defiance	1.00973	13213
Delaware	1.03520	13214
Erie	1.02587	13215
Fairfield	1.02440	13216
Fayette	1.02127	13217
Franklin	1.04053	13218
Fulton	1.0220	13219
Gallia	1.00000	13220
Geauga	1.03340	13221
Greene	1.02960	13222
Guernsey	1.00440	13223
Hamilton	1.05000	13224
Hancock	1.01433	13225
Hardin	1.02373	13226
Harrison	1.00493	13227
Henry	1.02120	13228
Highland	1.00987	13229
Hocking	1.01253	13230

Holmes	1.01187	13231
Huron	1.01953	13232
Jackson	1.00920	13233
Jefferson	1.00487	13234
Knox	1.01860	13235
Lake	1.03493	13236
Lawrence	1.00540	13237
Licking	1.02540	13238
Logan	1.02567	13239
Lorain	1.03433	13240
Lucas	1.02600	13241
Madison	1.03253	13242
Mahoning	1.02307	13243
Marion	1.02040	13244
Medina	1.03573	13245
Meigs	1.00173	13246
Mercer	1.01353	13247
Miami	1.02740	13248
Monroe	1.00333	13249
Montgomery	1.03020	13250
Morgan	1.00593	13251
Morrow	1.02007	13252
Muskingum	1.00847	13253
Noble	1.00487	13254
Ottawa	1.03240	13255
Paulding	1.00767	13256
Perry	1.01067	13257
Pickaway	1.02607	13258
Pike	1.00687	13259
Portage	1.03147	13260
Preble	1.02947	13261
Putnam	1.01440	13262
Richland	1.01327	13263

Ross	1.01007	13264
Sandusky	1.02140	13265
Scioto	1.00080	13266
Seneca	1.01487	13267
Shelby	1.01853	13268
Stark	1.01700	13269
Summit	1.03613	13270
Trumbull	1.02340	13271
Tuscarawas	1.00593	13272
Union	1.03333	13273
Van Wert	1.00887	13274
Vinton	1.00633	13275
Warren	1.04387	13276
Washington	1.00400	13277
Wayne	1.02320	13278
Williams	1.01520	13279
Wood	1.02400	13280
Wyandot	1.01140	13281

(2) In fiscal year 2007, the cost-of-doing-business factor
for each county is:

	COST-OF-DOING-BUSINESS	13284
COUNTY	FACTOR AMOUNT	13285
Adams	1.00117	13286
Allen	1.00687	13287
Ashland	1.00990	13288
Ashtabula	1.01323	13289
Athens	1.00047	13290
Auglaize	1.00823	13291
Belmont	1.00213	13292
Brown	1.00590	13293
Butler	1.02153	13294
Carroll	1.00457	13295
Champaign	1.01487	13296

Clark	1.01490	13297
Clermont	1.01803	13298
Clinton	1.01097	13299
Columbiana	1.00713	13300
Coshocton	1.00577	13301
Crawford	1.00547	13302
Cuyahoga	1.02087	13303
Darke	1.01127	13304
Defiance	1.00487	13305
Delaware	1.01760	13306
Erie	1.01293	13307
Fairfield	1.01220	13308
Fayette	1.01063	13309
Franklin	1.02027	13310
Fulton	1.01100	13311
Gallia	1.00000	13312
Geauga	1.01670	13313
Greene	1.01480	13314
Guernsey	1.00220	13315
Hamilton	1.02500	13316
Hancock	1.00717	13317
Hardin	1.01187	13318
Harrison	1.00247	13319
Henry	1.01060	13320
Highland	1.00493	13321
Hocking	1.00627	13322
Holmes	1.00593	13323
Huron	1.00977	13324
Jackson	1.00460	13325
Jefferson	1.00243	13326
Knox	1.00930	13327
Lake	1.01747	13328
Lawrence	1.00270	13329

Licking	1.01270	13330
Logan	1.01283	13331
Lorain	1.01717	13332
Lucas	1.01300	13333
Madison	1.01627	13334
Mahoning	1.01153	13335
Marion	1.01020	13336
Medina	1.01787	13337
Meigs	1.00087	13338
Mercer	1.00677	13339
Miami	1.01370	13340
Monroe	1.00167	13341
Montgomery	1.01510	13342
Morgan	1.00297	13343
Morrow	1.01003	13344
Muskingum	1.00423	13345
Noble	1.00243	13346
Ottawa	1.01620	13347
Paulding	1.00383	13348
Perry	1.00533	13349
Pickaway	1.01303	13350
Pike	1.00343	13351
Portage	1.01573	13352
Preble	1.01473	13353
Putnam	1.00720	13354
Richland	1.00663	13355
Ross	1.00503	13356
Sandusky	1.01070	13357
Scioto	1.00040	13358
Seneca	1.00743	13359
Shelby	1.00927	13360
Stark	1.00850	13361
Summit	1.01807	13362

Trumbull	1.01170	13363
Tuscarawas	1.00297	13364
Union	1.01667	13365
Van Wert	1.00443	13366
Vinton	1.00317	13367
Warren	1.02193	13368
Washington	1.00200	13369
Wayne	1.01160	13370
Williams	1.00760	13371
Wood	1.01200	13372
Wyandot	1.00570	13373

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(T) "Medically fragile child" means a child to whom all of the following apply:

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

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

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

(U) A child may be identified as "other health handicapped-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, and if either of the following apply:

(1) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." The superintendent of public instruction shall issue an initial list no later than September 1, 2001.

(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(V) A child may be identified as "other health handicapped-minor" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's

condition does not meet either of the conditions specified in 13424
division (U)(1) or (2) of this section. 13425

(W) "SF-3 payment" means the sum of the payments to a school 13426
district in a fiscal year under divisions (A), (C)(1), (C)(4), 13427
(D), (E), and (F) of section 3317.022, divisions ~~(J)~~(G), ~~(P)~~(L), 13428
and ~~(R)~~(N) of section 3317.024, and sections 3317.029, 3317.0216, 13429
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised 13430
Code after making the adjustments required by sections 3313.981 13431
and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), 13432
(K), (L), (M), (N), and (O) of section 3317.023, and division (C) 13433
of section 3317.20 of the Revised Code. 13434

(X) "Property exemption value" means zero in fiscal year 13435
2006, and in fiscal year 2007 and each fiscal year thereafter, the 13436
amount certified for a school district under divisions (A)(6) and 13437
(7) of section 3317.021 of the Revised Code. 13438

Sec. 3317.021. (A) On or before the first day of June of each 13439
year, the tax commissioner shall certify to the department of 13440
education the ~~following~~ information described in divisions (A)(1) 13441
to (7) of this section for each city, exempted village, and local 13442
school district, and the information required by divisions (A)(1) 13443
and (2) of this section for each joint vocational school district, 13444
and it shall be used, along with the information certified under 13445
division (B) of this section, in making the computations for the 13446
district under sections 3317.022, 3317.0216, and 3317.0217 or 13447
section 3317.16 of the Revised Code~~±.~~ 13448

(1) The taxable value of real and public utility real 13449
property in the school district subject to taxation in the 13450
preceding tax year, by class and by county of location~~±.~~ 13451

(2) The taxable value of tangible personal property, 13452
including public utility personal property, subject to taxation by 13453

the district for the preceding tax year+.

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

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

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

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

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

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available+.

(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts

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described in divisions (A)(6)(c) to (i) of this section. The 13484
portion of school district compensation value or other 13485
compensation value attributable to an incentive district exemption 13486
may be subtracted only once even if that incentive district 13487
satisfies more than one of the criteria in divisions (A)(6)(c) to 13488
(i) of this section. 13489

(a) "School district compensation value" means the aggregate 13490
value of real property in the school district exempted from 13491
taxation pursuant to an ordinance or resolution adopted ~~by the~~ 13492
~~legislative authority of a municipal corporation~~ under division 13493
(C) of section 5709.40 ~~of the Revised Code or pursuant to a~~ 13494
~~resolution adopted by a board of township trustees or board of~~ 13495
~~county commissioners under,~~ division (C) of section 5709.73, or 13496
division (B) of section 5709.78 of the Revised Code, ~~respectively,~~ 13497
~~but not including~~ to the extent that the exempted value results in 13498
the charging of payments in lieu of taxes ~~provided~~ required to be 13499
paid to the school district under division (D)(1) or (2) of 13500
section 5709.40, division (D)~~(1)~~ of section 5709.73, or division 13501
(C)~~(1)~~ of section 5709.78 of the Revised Code, ~~respectively,~~ as 13502
~~indicated on the list of exempted property for the preceding tax~~ 13503
~~year under section 5713.08 of the Revised Code and as if such~~ 13504
~~property had been assessed for taxation that year, minus the~~ 13505
~~following amounts:~~ 13506

~~(a) The aggregate value of the improvements to parcels of~~ 13507
~~real property in the school district.~~ 13508

(b) "Other compensation value" means the quotient that 13509
results from dividing (i) the dollar value of compensation 13510
received by the school district during the preceding tax year 13511
pursuant to division (B), (C), or (D) of section 5709.82 of the 13512
Revised Code and the amounts received pursuant to an agreement as 13513
specified in division (D)(2) of section 5709.40, division (D) of 13514
section 5709.73, or division (C) of section 5709.78 of the Revised 13515

Code to the extent those amounts were not previously reported or 13516
included in division (A)(6)(a) of this section, and so that any 13517
such amount is reported only once under division (A)(6)(b) of this 13518
section, in relation to exemptions from taxation granted pursuant 13519
to an ordinance or resolution adopted under division (C) of 13520
section 5709.40, division (C) of section 5709.73, or division (B) 13521
of section 5709.78 of the Revised Code, by (ii) the real property 13522
tax rate in effect for the preceding tax year for 13523
nonresidential/agricultural real property after making the 13524
reductions required by section 319.301 of the Revised Code. 13525

(c) The portion of school district compensation value or 13526
other compensation value that was exempted from taxation pursuant 13527
to such an ordinance or resolution for the preceding tax year, if 13528
the ordinance or resolution is adopted prior to January 1, 2006, 13529
and the legislative authority or board of township trustees or 13530
county commissioners, prior to January 1, 2006, executes a 13531
contract or agreement with a developer, whether for-profit or 13532
not-for-profit, with respect to the development of a project 13533
undertaken or to be undertaken and identified in the ordinance or 13534
resolution, and upon which parcels such project is being, or will 13535
be, undertaken; 13536

~~(b) The product determined by multiplying (i) the aggregate~~ 13537
~~value of the improvements to parcels of real property in the~~ 13538
~~school district exempted from taxation pursuant to any such~~ 13539
~~ordinance or resolution, minus the aggregate value of any~~ 13540
~~improvement excluded pursuant to division (A)(6)(a) of this~~ 13541
~~section, by (ii) a fraction, the numerator of which is the~~ 13542
~~difference between (I) the amount of anticipated revenue such~~ 13543
~~school district would have received in the preceding fiscal year~~ 13544
~~if the real property exempted from taxation pursuant to such~~ 13545
~~ordinance or resolution had not been exempted from taxation and~~ 13546
~~(II) the aggregate amount of payments and other compensation~~ 13547

~~received in the preceding fiscal year by the school district 13548~~
~~pursuant to all agreements between the school district and a 13549~~
~~legislative authority or board of township trustees or county 13550~~
~~commissioners that were entered into in relation to such ordinance 13551~~
~~or resolution, and the denominator of which is the amount of 13552~~
~~anticipated revenue such school district would have received in 13553~~
~~the preceding fiscal year if the real property exempted from 13554~~
~~taxation pursuant to such ordinance or resolution had not been 13555~~
~~exempted from taxation; 13556~~

~~(c) The aggregate value of the improvements to parcels of 13557~~
~~real property in the school district exempted from taxation (d) 13558~~
The portion of school district compensation value that was 13559
exempted from taxation for the preceding tax year and for which 13560
payments in lieu of taxes for the preceding tax year were provided 13561
to the school district under division (D)(1) of section 5709.40 of 13562
the Revised Code. 13563

(e) The portion of school district compensation value that 13564
was exempted from taxation for the preceding tax year pursuant to 13565
such an ordinance or resolution, if and to the extent that, on or 13566
before April 1, 2006, the fiscal officer of the municipal 13567
corporation that adopted the ordinance, or of the township or 13568
county that adopted the resolution, certifies and provides 13569
appropriate supporting documentation to the tax commissioner and 13570
the director of development that, based on hold-harmless 13571
provisions in any agreement between the school district and the 13572
legislative authority of the municipal corporation, board of 13573
township trustees, or board of county commissioners that was 13574
entered into on or before June 1, 2005, the ability or obligation 13575
of the municipal corporation, township, or county to repay bonds, 13576
notes, or other financial obligations issued or entered into prior 13577
to January 1, 2006, will be impaired, including obligations to or 13578
of any other body corporate and politic with whom the legislative 13579

authority of the municipal corporation or board of township 13580
trustees or county commissioners has entered into an agreement 13581
pertaining to the use of service payments derived from the 13582
improvements exempted; 13583

~~(d) The aggregate value of the improvements to parcels of 13584
real property in the school district exempted from taxation (f) 13585
The portion of school district compensation value that was 13586
exempted from taxation for the preceding tax year pursuant to such 13587
an ordinance or resolution, if the ordinance or resolution is 13588
adopted prior to January 1, 2006, in a municipal corporation with 13589
a population that exceeds one hundred thousand, as shown by the 13590
most recent federal decennial census, that includes a major 13591
employment center and that is adjacent to historically distressed 13592
neighborhoods, if the legislative authority of the municipal 13593
corporation, ~~the board of township trustees, or the board of 13594
county commissioners~~ that exempted the property prepares an 13595
economic analysis that demonstrates that all taxes generated 13596
within the incentive district accruing to the state by reason of 13597
improvements constructed within the district during its existence 13598
exceed the amount the state pays the school district under section 13599
3317.022 of the Revised Code attributable to such property 13600
exemption from the school district's recognized valuation. The 13601
analysis shall be submitted to and approved by the department of 13602
development prior to January 1, 2006, and the department shall not 13603
unreasonably withhold approval. ~~Approval shall permit use of the 13604
aggregate value for the life of the incentive district as 13605
designated in the ordinance or resolution creating it.~~ 13606~~

~~(e) The aggregate value of the improvements to parcels of 13607
real property in the school district exempted from taxation (g) 13608
The portion of school district compensation value that was 13609
exempted from taxation for the preceding tax year under such an 13610
ordinance or resolution, if the ordinance or resolution is adopted 13611~~

prior to January 1, 2006, and if service payments have been 13612
pledged to be used for mixed-use riverfront entertainment 13613
development in any county with a population that exceeds six 13614
hundred thousand, as shown by the most recent federal decennial 13615
census; 13616

~~(f) The aggregate value of the improvements to parcels of 13617
real property in the school district exempted from taxation (h) 13618
The portion of school district compensation value that was 13619
exempted from taxation for the preceding tax year under such an 13620
ordinance or resolution, if, prior to January 1, 2006, the 13621
legislative authority of a municipal corporation, board of 13622
township trustees, or board of county commissioners has pledged 13623
service payments for a designated transportation capacity project 13624
approved by the transportation review advisory council under 13625
Chapter 5512. of the Revised Code; 13626~~

~~(g) The aggregate value of the improvements to parcels of 13627
real property in the school district exempted from taxation (i) 13628
The portion of school district compensation value that was 13629
exempted from taxation for the preceding tax year under such an 13630
ordinance or resolution if the legislative authority of a 13631
municipal corporation, board of township trustees, or board of 13632
county commissioners have, by January 1, 2006, pledged proceeds 13633
for designated transportation improvement projects that involve 13634
federal funds for which the proceeds are used to meet a local 13635
share match requirement for such funding. 13636~~

As used in division (A)(6) of this section, "project" has the 13637
same meaning as in section 5709.40 of the Revised Code. 13638

(7) The aggregate value of real property in the school 13639
district for which an exemption from taxation is granted by an 13640
ordinance or resolution adopted on or after January 1, 2006, under 13641
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 13642
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 13643

Code, as indicated on the list of exempted property for the 13644
preceding tax year under section 5713.08 of the Revised Code and 13645
as if such property had been assessed for taxation that year, ~~but~~ 13646
~~not including compensation for tax revenue foregone pursuant to an~~ 13647
~~agreement entered into on or after January 1, 2006, under section~~ 13648
~~5709.82 of the Revised Code, and~~ minus the product determined by 13649
multiplying (a) the aggregate value of the real property in the 13650
school district exempted from taxation for the preceding tax year 13651
under any of the chapters or sections specified in this division, 13652
by (b) a fraction, the numerator of which is the difference 13653
between (i) the amount of anticipated revenue such school district 13654
would have received ~~in~~ for the preceding ~~fiscal~~ tax year if the 13655
real property exempted from taxation had not been exempted from 13656
taxation and (ii) the aggregate amount of payments in lieu of 13657
taxes on the exempt real property for the preceding tax year and 13658
other compensation received ~~in~~ for the preceding ~~fiscal~~ tax year 13659
by the school district pursuant to any agreements entered into on 13660
or after January 1, 2006, under section 5709.82 of the Revised 13661
Code between the school district and the legislative authority of 13662
a political subdivision that acted under the authority of a 13663
chapter or statute specified in this division, that were entered 13664
into in relation to such exemption, and the denominator of which 13665
is the amount of anticipated revenue such school district would 13666
have received in the preceding fiscal year if the real property 13667
exempted from taxation had not been exempted. 13668

(8) For each school district receiving payments under 13669
division (B) or (C) of section 3317.0216 of the Revised Code 13670
during the current fiscal year, as included on the most recent 13671
list of such districts sent to the tax commissioner under division 13672
(F) of that section, the following: 13673

(a) The portion of the total amount of taxes charged and 13674
payable for current expenses certified under division (A)(3)(a) of 13675

this section that is attributable to each new levy approved and charged in the preceding tax year and the respective tax rate of each of those new levies; 13676
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(b) The portion of the total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code, as certified under division (A)(2) of section 3317.08 of the Revised Code, that is attributable to each new school district income tax first effective in the current taxable year or in the preceding taxable year. 13679
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(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location. 13686
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(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code. 13692
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(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, 13703
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the department shall immediately request the tax commissioner to 13707
determine the extent to which any school district income tax 13708
levied by the district under Chapter 5748. of the Revised Code 13709
shall be included in meeting that requirement. Within five days of 13710
receiving such a request from the department, the tax commissioner 13711
shall make the determination required by this division and report 13712
the quotient obtained under division (D)(3) of this section to the 13713
department. This quotient represents the number of mills that the 13714
department shall include in determining whether the district meets 13715
the qualification requirement of division (A) of section 3317.01 13716
of the Revised Code. 13717

The tax commissioner shall make the determination required by 13718
this division as follows: 13719

(1) Multiply one mill times the total taxable value of the 13720
district as determined in divisions (A)(1) and (2) of this 13721
section; 13722

(2) Estimate the total amount of tax liability for the 13723
current tax year under taxes levied by Chapter 5748. of the 13724
Revised Code that are apportioned to current operating expenses of 13725
the district; 13726

(3) Divide the amount estimated under division (D)(2) of this 13727
section by the product obtained under division (D)(1) of this 13728
section. 13729

(E)(1) On or before June 1, 2006, and the first day of ~~June~~ 13730
April of each year thereafter, the director of development shall 13731
certify to the department of education and the tax commissioner 13732
the total ~~amount~~ amounts of payments received by each city, local, 13733
exempted village, or joint vocational school district ~~during for~~ 13734
the preceding tax year pursuant to ~~an agreement entered into under~~ 13735
division (B) division (D) of section 5709.40, division (D) of 13736
section 5709.73, division (C) of section 5709.78, or division 13737

(B)(1), (B)(2), (C), or (D) of section 5709.82 of the Revised Code 13738
in relation to exemptions from taxation granted pursuant to an 13739
ordinance adopted by the legislative authority of a municipal 13740
corporation under division (C)~~(1)~~ of section 5709.40 of the 13741
Revised Code, or a resolution adopted by a board of township 13742
trustees or board of county commissioners under division (C)~~(1)~~ of 13743
section 5709.73 or division (B)~~(1)~~ of section 5709.78 of the 13744
Revised Code, respectively. On or before April 1, 2006, and the 13745
first day of ~~April~~ March of each year thereafter, the treasurer of 13746
each city, local, exempted village, or joint vocational school 13747
district that has entered into such an agreement shall report to 13748
the director of development the total ~~amount~~ amounts of such 13749
payments the district received ~~during~~ for the preceding tax year 13750
~~pursuant to each such agreement as provided in this section.~~ The 13751
state board of education, in accordance with sections 3319.31 and 13752
3319.311 of the Revised Code, may suspend or revoke the license of 13753
a treasurer found to have willfully reported erroneous, 13754
inaccurate, or incomplete data under this division. 13755

(2) On or before April 1, 2007, and the first day of April of 13756
each year thereafter, the director of development shall certify to 13757
the department of education and to the tax commissioner the total 13758
amounts of payments received by each city, local, exempted 13759
village, or joint vocational school district for the preceding tax 13760
year pursuant to divisions (B), (C), and (D) of section 5709.82 of 13761
the Revised Code in relation to exemptions from taxation granted 13762
pursuant to ordinances or resolutions adopted on or after January 13763
1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, 13764
or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 13765
Revised Code. On or before March 1, 2007, and the first day of 13766
March of each year thereafter, the treasurer of each city, local, 13767
exempted village, or joint vocational school district that has 13768
entered into such an agreement shall report to the director of 13769
development the total amounts of such payments the district 13770

received for the preceding tax year as provided by this section. 13771
The state board of education, in accordance with sections 3319.31 13772
and 3319.311 of the Revised Code, may suspend or revoke the 13773
license of a treasurer found to have willfully reported erroneous, 13774
inaccurate, or incomplete data under this division. 13775

Sec. 3317.022. (A) The department of education shall compute 13776
and distribute state base cost funding to each school district for 13777
the fiscal year using the information obtained under section 13778
3317.021 of the Revised Code in the calendar year in which the 13779
fiscal year begins. 13780

(1) Compute the following for each eligible district: 13781
[(cost-of-doing-business factor X 13782
the formula amount X formula ADM) + 13783
the sum of the base funding supplements 13784
prescribed in divisions (C)(1) to (4) 13785
of section 3317.012 of the Revised Code] - 13786
[.023 x (the sum of recognized valuation 13787
and property exemption (value))] 13788

If the difference obtained is a negative number, the 13789
district's computation shall be zero. 13790

(2) Compute both of the following for each school district: 13791

(a) The difference of (i) the district's fiscal year 2005 13792
base cost payment under the version of division (A)(1) of this 13793
section in effect in fiscal year 2005, minus (ii) the amount 13794
computed for the district for the current fiscal year under 13795
current division (A)(1) of this section; 13796

(b) The following amount: 13797

[(fiscal year 2005 base cost payment/fiscal 13798
year 2005 formula ADM) X 13799
current year formula ADM] minus 13800

the amount computed for the district 13801
under current division (A)(1) of this section 13802

If one of the amounts computed under division (A)(2)(a) or 13803
(b) of this section is a positive amount, the department shall pay 13804
the district that amount in addition to the amount calculated 13805
under division (A)(1) of this section. If both amounts are 13806
positive amounts, the department shall pay the district the lesser 13807
of the two amounts in addition to the amount calculated under 13808
division (A)(1) of this section. 13809

(3)(a) For each school district for which the tax exempt 13810
value of the district equals or exceeds twenty-five per cent of 13811
the potential value of the district, the department of education 13812
shall calculate the difference between the district's tax exempt 13813
value and twenty-five per cent of the district's potential value. 13814

(b) For each school district to which division (A)(3)(a) of 13815
this section applies, the department shall adjust the recognized 13816
valuation used in the calculation under division (A)(1) of this 13817
section by subtracting from it the amount calculated under 13818
division (A)(3)(a) of this section. 13819

(B) As used in this section: 13820

(1) The "total special education weight" for a district means 13821
the sum of the following amounts: 13822

(a) The district's category one special education ADM 13823
multiplied by the multiple specified in division (A) of section 13824
3317.013 of the Revised Code; 13825

(b) The district's category two special education ADM 13826
multiplied by the multiple specified in division (B) of section 13827
3317.013 of the Revised Code; 13828

(c) The district's category three special education ADM 13829
multiplied by the multiple specified in division (C) of section 13830

3317.013 of the Revised Code;	13831
(d) The district's category four special education ADM	13832
multiplied by the multiple specified in division (D) of section	13833
3317.013 of the Revised Code;	13834
(e) The district's category five special education ADM	13835
multiplied by the multiple specified in division (E) of section	13836
3317.013 of the Revised Code;	13837
(f) The district's category six special education ADM	13838
multiplied by the multiple specified in division (F) of section	13839
3317.013 of the Revised Code.	13840
(2) "State share percentage" means the percentage calculated	13841
for a district as follows:	13842
(a) Calculate the state base cost funding amount for the	13843
district for the fiscal year under division (A) of this section.	13844
If the district would not receive any state base cost funding for	13845
that year under that division, the district's state share	13846
percentage is zero.	13847
(b) If the district would receive state base cost funding	13848
under that division, divide that amount by an amount equal to the	13849
following:	13850
(Cost-of-doing-business factor X	13851
the formula amount X formula ADM) +	13852
the sum of the base funding supplements	13853
prescribed in divisions (C)(1) to (4)	13854
of section 3317.012 of the Revised Code	13855
The resultant number is the district's state share	13856
percentage.	13857
(3) "Related services" includes:	13858
(a) Child study, special education supervisors and	13859
coordinators, speech and hearing services, adaptive physical	13860

development services, occupational or physical therapy, teacher 13861
assistants for handicapped children whose handicaps are described 13862
in division (B) of section 3317.013 or division (F)(3) of section 13863
3317.02 of the Revised Code, behavioral intervention, interpreter 13864
services, work study, nursing services, and specialized 13865
integrative services as those terms are defined by the department; 13866

(b) Speech and language services provided to any student with 13867
a handicap, including any student whose primary or only handicap 13868
is a speech and language handicap; 13869

(c) Any related service not specifically covered by other 13870
state funds but specified in federal law, including but not 13871
limited to, audiology and school psychological services; 13872

(d) Any service included in units funded under former 13873
division (O)(1) of section 3317.023 of the Revised Code; 13874

(e) Any other related service needed by handicapped children 13875
in accordance with their individualized education plans. 13876

(4) The "total vocational education weight" for a district 13877
means the sum of the following amounts: 13878

(a) The district's category one vocational education ADM 13879
multiplied by the multiple specified in division (A) of section 13880
3317.014 of the Revised Code; 13881

(b) The district's category two vocational education ADM 13882
multiplied by the multiple specified in division (B) of section 13883
3317.014 of the Revised Code. 13884

(C)(1) The department shall compute and distribute state 13885
special education and related services additional weighted costs 13886
funds to each school district in accordance with the following 13887
formula: 13888

The district's state share percentage 13889

X the formula amount for the year 13890

for which the aid is calculated 13891

X the district's total special education weight 13892

(2) The attributed local share of special education and 13893
related services additional weighted costs equals: 13894

(1 - the district's state share percentage) X 13895
the district's total special education weight X 13896
the formula amount 13897

(3)(a) The department shall compute and pay in accordance 13898
with this division additional state aid to school districts for 13899
students in categories two through six special education ADM. If a 13900
district's costs for the fiscal year for a student in its 13901
categories two through six special education ADM exceed the 13902
threshold catastrophic cost for serving the student, the district 13903
may submit to the superintendent of public instruction 13904
documentation, as prescribed by the superintendent, of all its 13905
costs for that student. Upon submission of documentation for a 13906
student of the type and in the manner prescribed, the department 13907
shall pay to the district an amount equal to the sum of the 13908
following: 13909

(i) One-half of the district's costs for the student in 13910
excess of the threshold catastrophic cost; 13911

(ii) The product of one-half of the district's costs for the 13912
student in excess of the threshold catastrophic cost multiplied by 13913
the district's state share percentage. 13914

(b) For purposes of division (C)(3)(a) of this section, the 13915
threshold catastrophic cost for serving a student equals: 13916

(i) For a student in the school district's category two, 13917
three, four, or five special education ADM, twenty-five thousand 13918
dollars in fiscal year 2002, twenty-five thousand seven hundred 13919
dollars in fiscal years 2003, 2004, and 2005, and twenty-six 13920
thousand five hundred dollars in fiscal years 2006 and 2007; 13921

(ii) For a student in the district's category six special education ADM, thirty thousand dollars in fiscal year 2002, thirty thousand eight hundred forty dollars in fiscal years 2003, 2004, and 2005, and thirty-one thousand eight hundred dollars in fiscal years 2006 and 2007.

(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(4)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2002, 2003, 2004, 2005, 2006, and 2007.

(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department of education shall pay each school district an amount calculated under the following formula:

(formula ADM divided by 2000) X
the personnel allowance X
the state share percentage

(5) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(cost-of-doing-business factor X
formula amount X the sum of categories
one through six special education ADM) +

(total special education weight X formula amount) 13953

The purposes approved by the department for special education 13954
expenses shall include, but shall not be limited to, 13955
identification of handicapped children, compliance with state 13956
rules governing the education of handicapped children and 13957
prescribing the continuum of program options for handicapped 13958
children, provision of speech language pathology services, and the 13959
portion of the school district's overall administrative and 13960
overhead costs that are attributable to the district's special 13961
education student population. 13962

The department shall require school districts to report data 13963
annually to allow for monitoring compliance with division (C)(5) 13964
of this section. The department shall annually report to the 13965
governor and the general assembly the amount of money spent by 13966
each school district for special education and related services. 13967

(6) In any fiscal year, a school district shall spend for the 13968
provision of speech language pathology services not less than the 13969
sum of the amount calculated under division (C)(1) of this section 13970
for the students in the district's category one special education 13971
ADM and the amount calculated under division (C)(4) of this 13972
section. 13973

(D)(1) As used in this division: 13974

(a) "Daily bus miles per student" equals the number of bus 13975
miles traveled per day, divided by transportation base. 13976

(b) "Transportation base" equals total student count as 13977
defined in section 3301.011 of the Revised Code, minus the number 13978
of students enrolled in preschool handicapped units, plus the 13979
number of nonpublic school students included in transportation 13980
ADM. 13981

(c) "Transported student percentage" equals transportation 13982
ADM divided by transportation base. 13983

(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.

(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + (116.25573 \times \text{transported student percentage})$$

The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the

one-year difference between the data used in updating the formula
and calculating the payment and the year in which the payment is
made. The percentage shall be the following percentage of that
product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

The payments made under division (D)(3) of this section each
year shall be calculated based on all of the same prior year's
data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3)
of this section, a school district shall receive a rough road
subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the
statewide rough road percentage, as those terms are defined in
division (D)(5) of this section;

(b) Its district student density is lower than the statewide
student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the
qualifications of division (D)(4) of this section shall be
calculated in accordance with the following formula:

$$\text{(per rough mile subsidy X total rough road miles) X}$$
$$\text{density multiplier}$$

where:

(a) "Per rough mile subsidy" equals the amount calculated in
accordance with the following formula:

0.75 - {0.75 X [(maximum rough road percentage - 14044
county rough road percentage)/(maximum rough road percentage - 14045
statewide rough road percentage)]} 14046

(i) "Maximum rough road percentage" means the highest county 14047
rough road percentage in the state. 14048

(ii) "County rough road percentage" equals the percentage of 14049
the mileage of state, municipal, county, and township roads that 14050
is rated by the department of transportation as type A, B, C, E2, 14051
or F in the county in which the school district is located or, if 14052
the district is located in more than one county, the county to 14053
which it is assigned for purposes of determining its 14054
cost-of-doing-business factor. 14055

(iii) "Statewide rough road percentage" means the percentage 14056
of the statewide total mileage of state, municipal, county, and 14057
township roads that is rated as type A, B, C, E2, or F by the 14058
department of transportation. 14059

(b) "Total rough road miles" means a school district's total 14060
bus miles traveled in one year times its county rough road 14061
percentage. 14062

(c) "Density multiplier" means a figure calculated in 14063
accordance with the following formula: 14064

1 - [(minimum student density - district student 14065
density)/(minimum student density - 14066
statewide student density)] 14067

(i) "Minimum student density" means the lowest district 14068
student density in the state. 14069

(ii) "District student density" means a school district's 14070
transportation base divided by the number of square miles in the 14071
district. 14072

(iii) "Statewide student density" means the sum of the 14073

transportation bases for all school districts divided by the sum of the square miles in all school districts. 14074
14075

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division ~~(F)~~(G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 14076
14077
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14083

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 14084
14085

state share percentage X 14087
the formula amount X 14088
total vocational education weight 14089

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (E)(1) of this section may be spent. 14090
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(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula: 14101
14102
14103

state share percentage X .05 X 14104

the formula amount X the sum of categories one and two 14105
vocational education ADM 14106

In any fiscal year, a school district receiving funds under 14107
division (E)(2) of this section, or through a transfer of funds 14108
pursuant to division (L) of section 3317.023 of the Revised Code, 14109
shall spend those funds only for the purposes that the department 14110
designates as approved for vocational education associated 14111
services expenses, which may include such purposes as 14112
apprenticeship coordinators, coordinators for other vocational 14113
education services, vocational evaluation, and other purposes 14114
designated by the department. The department may deny payment 14115
under division (E)(2) of this section to any district that the 14116
department determines is not operating those services or is using 14117
funds paid under division (E)(2) of this section, or through a 14118
transfer of funds pursuant to division (L) of section 3317.023 of 14119
the Revised Code, for other purposes. 14120

(F) The actual local share in any fiscal year for the 14121
combination of special education and related services additional 14122
weighted costs funding calculated under division (C)(1) of this 14123
section, transportation funding calculated under divisions (D)(2) 14124
and (3) of this section, and vocational education and associated 14125
services additional weighted costs funding calculated under 14126
divisions (E)(1) and (2) of this section shall not exceed for any 14127
school district the product of three and three-tenths mills times 14128
the district's recognized valuation. The department annually shall 14129
pay each school district as an excess cost supplement any amount 14130
by which the sum of the district's attributed local shares for 14131
that funding exceeds that product. For purposes of calculating the 14132
excess cost supplement: 14133

(1) The attributed local share for special education and 14134
related services additional weighted costs funding is the amount 14135
specified in division (C)(2) of this section. 14136

(2) The attributed local share of transportation funding 14137
equals the difference of the total amount calculated for the 14138
district using the formula developed under division (D)(2) of this 14139
section minus the actual amount paid to the district after 14140
applying the percentage specified in division (D)(3) of this 14141
section. 14142

(3) The attributed local share of vocational education and 14143
associated services additional weighted costs funding is the 14144
amount determined as follows: 14145

(1 - state share percentage) X 14146
[(total vocational education weight X 14147
the formula amount) + the payment under 14148
division (E)(2) of this section] 14149

Sec. 3317.024. In addition to the moneys paid to eligible 14150
school districts pursuant to section 3317.022 of the Revised Code, 14151
moneys appropriated for the education programs in divisions (A) to 14152
~~(H)~~, ~~(J)~~ to ~~(L)~~(I), ~~(O)~~(K), ~~(P)~~(L), and ~~(R)~~(N) of this section 14153
shall be distributed to school districts meeting the requirements 14154
of section 3317.01 of the Revised Code; in the case of divisions 14155
~~(J)~~(G) and ~~(P)~~(L) of this section, to educational service centers 14156
as provided in section 3317.11 of the Revised Code; in the case of 14157
divisions ~~(E)~~, ~~(M)~~, (D) and ~~(N)~~(J) of this section, to county 14158
MR/DD boards; in the case of division ~~(R)~~(N) of this section, to 14159
joint vocational school districts; in the case of division ~~(K)~~(H) 14160
of this section, to cooperative education school districts; and in 14161
the case of division ~~(O)~~(M) of this section, to the institutions 14162
defined under section 3317.082 of the Revised Code providing 14163
elementary or secondary education programs to children other than 14164
children receiving special education under section 3323.091 of the 14165
Revised Code. The following shall be distributed monthly, 14166
quarterly, or annually as may be determined by the state board of 14167

education: 14168

~~(A) A per pupil amount to each school district that 14169
establishes a summer school remediation program that complies with 14170
rules of the state board of education. 14171~~

~~(B)~~ An amount for each island school district and each joint 14172
state school district for the operation of each high school and 14173
each elementary school maintained within such district and for 14174
capital improvements for such schools. Such amounts shall be 14175
determined on the basis of standards adopted by the state board of 14176
education. 14177

~~(C)~~(B) An amount for each school district operating classes 14178
for children of migrant workers who are unable to be in attendance 14179
in an Ohio school during the entire regular school year. The 14180
amounts shall be determined on the basis of standards adopted by 14181
the state board of education, except that payment shall be made 14182
only for subjects regularly offered by the school district 14183
providing the classes. 14184

~~(D)~~(C) An amount for each school district with guidance, 14185
testing, and counseling programs approved by the state board of 14186
education. The amount shall be determined on the basis of 14187
standards adopted by the state board of education. 14188

~~(E)~~(D) An amount for the emergency purchase of school buses 14189
as provided for in section 3317.07 of the Revised Code; 14190

~~(F)~~(E) An amount for each school district required to pay 14191
tuition for a child in an institution maintained by the department 14192
of youth services pursuant to section 3317.082 of the Revised 14193
Code, provided the child was not included in the calculation of 14194
the district's average daily membership for the preceding school 14195
year. 14196

~~(G) In fiscal year 2000 only, an amount to each school 14197
district for supplemental salary allowances for each licensed 14198~~

~~employee except those licensees serving as superintendents, 14199
assistant superintendents, principals, or assistant principals, 14200
whose term of service in any year is extended beyond the term of 14201
service of regular classroom teachers, as described in section 14202
3301.0725 of the Revised Code; 14203~~

~~(H)(F) An amount for adult basic literacy education for each 14204
district participating in programs approved by the state board of 14205
education. The amount shall be determined on the basis of 14206
standards adopted by the state board of education. 14207~~

~~(I) Notwithstanding section 3317.01 of the Revised Code, but 14208
only until June 30, 1999, to each city, local, and exempted 14209
village school district, an amount for conducting driver education 14210
courses at high schools for which the state board of education 14211
prescribes minimum standards and to joint vocational and 14212
cooperative education school districts and educational service 14213
centers, an amount for conducting driver education courses to 14214
pupils enrolled in a high school for which the state board 14215
prescribes minimum standards. No payments shall be made under this 14216
division after June 30, 1999. 14217~~

~~(J)(G) An amount for the approved cost of transporting 14218
eligible pupils with disabilities attending a special education 14219
program approved by the department of education whom it is 14220
impossible or impractical to transport by regular school bus in 14221
the course of regular route transportation provided by the 14222
district or service center. No district or service center is 14223
eligible to receive a payment under this division for the cost of 14224
transporting any pupil whom it transports by regular school bus 14225
and who is included in the district's transportation ADM. The 14226
state board of education shall establish standards and guidelines 14227
for use by the department of education in determining the approved 14228
cost of such transportation for each district or service center. 14229~~

~~(K)~~(H) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education.

~~(L)~~(I) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year.

~~(M)~~(J) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county MR/DD board under section 3323.09 of the Revised Code;

~~(N) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for supportive home services for preschool children;~~

~~(O)~~(K) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.

~~(P)~~(L) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for

each such unit shall be the sum of the minimum salary for the 14261
teacher of the unit, calculated on the basis of the teacher's 14262
training level and years of experience pursuant to the salary 14263
schedule prescribed in the version of section 3317.13 of the 14264
Revised Code in effect prior to July 1, 2001, plus fifteen per 14265
cent of that minimum salary amount, plus two thousand six hundred 14266
seventy-eight dollars. 14267

~~(Q)~~(M) An amount to each institution defined under section 14268
3317.082 of the Revised Code providing elementary or secondary 14269
education to children other than children receiving special 14270
education under section 3323.091 of the Revised Code. This amount 14271
for any institution in any fiscal year shall equal the total of 14272
all tuition amounts required to be paid to the institution under 14273
division (A)(1) of section 3317.082 of the Revised Code. 14274

~~(R)~~(N) A grant to each school district and joint vocational 14275
school district that operates a "graduation, reality, and 14276
dual-role skills" (GRADS) program for pregnant and parenting 14277
students that is approved by the department. The amount of the 14278
payment shall be the district's state share percentage, as defined 14279
in section 3317.022 or 3317.16 of the Revised Code, times the 14280
GRADS personnel allowance times the full-time-equivalent number of 14281
GRADS teachers approved by the department. The GRADS personnel 14282
allowance is \$47,555 in fiscal years 2004, 2005, 2006, and 2007. 14283

The state board of education or any other board of education 14284
or governing board may provide for any resident of a district or 14285
educational service center territory any educational service for 14286
which funds are made available to the board by the United States 14287
under the authority of public law, whether such funds come 14288
directly or indirectly from the United States or any agency or 14289
department thereof or through the state or any agency, department, 14290
or political subdivision thereof. 14291

Sec. 3317.029. (A) As used in this section: 14292

(1) "Poverty percentage" means the quotient obtained by 14293
dividing the five-year average number of children ages five to 14294
seventeen residing in the school district and living in a family 14295
receiving assistance under the Ohio works first program or an 14296
antecedent program known as TANF or ADC, as certified or adjusted 14297
under section 3317.10 of the Revised Code, by the district's 14298
three-year average formula ADM. 14299

(2) "Statewide poverty percentage" means the five-year 14300
average of the total number of children ages five to seventeen 14301
years residing in the state and receiving assistance under the 14302
Ohio works first program or an antecedent program known as TANF or 14303
ADC, divided by the sum of the three-year average formula ADMs for 14304
all school districts in the state. 14305

(3) "Poverty index" means the quotient obtained by dividing 14306
the school district's poverty percentage by the statewide poverty 14307
percentage. 14308

(4) "Poverty student count" means the five-year average 14309
number of children ages five to seventeen residing in the school 14310
district and living in a family receiving assistance under the 14311
Ohio works first program or an antecedent program known as TANF or 14312
ADC, as certified under section 3317.10 of the Revised Code. 14313

(5) "Kindergarten ADM" means the number of students reported 14314
under section 3317.03 of the Revised Code as enrolled in 14315
kindergarten, excluding any kindergarten students reported under 14316
division (B)(3)(e) or (f) of section 3317.03 of the Revised Code. 14317

(6) "Kindergarten through third grade ADM" means the amount 14318
calculated as follows: 14319

(a) Multiply the kindergarten ADM by the sum of one plus the 14320
all-day kindergarten percentage; 14321

(b) Add the number of students in grades one through three; 14322

(c) Subtract from the sum calculated under division (A)(6)(b) 14323
of this section the number of special education students in grades 14324
kindergarten through three. 14325

"Kindergarten through third grade ADM" shall not include any 14326
students reported under division (B)(3)(e) or (f) of section 14327
3317.03 of the Revised Code. 14328

(7) "All-day kindergarten" means a kindergarten class that is 14329
in session five days per week for not less than the same number of 14330
clock hours each day as for pupils in grades one through six. 14331

(8) "All-day kindergarten percentage" means the percentage of 14332
a district's actual total number of students enrolled in 14333
kindergarten who are enrolled in all-day kindergarten. 14334

(9) "Buildings with the highest concentration of need" means 14335
the school buildings in a district with percentages of students in 14336
grades kindergarten through three receiving assistance under Ohio 14337
works first at least as high as the district-wide percentage of 14338
students receiving such assistance. 14339

If, in any fiscal year, the information provided by the 14340
department of job and family services under section 3317.10 of the 14341
Revised Code is insufficient to determine the Ohio works first 14342
percentage in each building, "buildings with the highest 14343
concentration of need" has the meaning given in rules that the 14344
department of education shall adopt. The rules shall base the 14345
definition of "buildings with the highest concentration of need" 14346
on family income of students in grades kindergarten through three 14347
in a manner that, to the extent possible with available data, 14348
approximates the intent of this division and division (K) of this 14349
section to designate buildings where the Ohio works first 14350
percentage in those grades equals or exceeds the district-wide 14351
Ohio works first percentage. 14352

(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, the department of education shall compute and distribute to each school district for poverty-based assistance the greater of the following:

(1) The amount the district received in fiscal year 2005 for disadvantaged pupil impact aid pursuant to Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, minus the amount deducted from the district under Section 16 of Am. Sub. S.B. 2 of the 125th General Assembly that year for payments to internet- and computer-based community schools;

(2) The sum of the computations made under divisions (C) to (I) of this section.

(C) A payment for academic intervention programs, if the district's poverty index is greater than or equal to 0.25, calculated as follows:

(1) If the district's poverty index is greater than or equal to 0.25, calculate the district's level one amount for large-group academic intervention for all students as follows:

(a) If the district's poverty index is greater than or equal to 0.25 but less than 0.75:

large-group intervention units X hourly rate X
level one hours X [(poverty index - 0.25)/0.5]
X phase-in percentage

Where:

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and \$20.40 in fiscal year 2007;

(iii) "Level one hours" equals 25 hours;

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007. 14383
14384

(b) If the district's poverty index is greater than or equal to 0.75: 14385
14386

 large-group intervention units X hourly rate X 14387
 level one hours X phase-in percentage 14388

Where "large-group intervention units," "hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section. 14389
14390
14391

(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows: 14392
14393
14394

(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50: 14395
14396

 medium-group intervention units X hourly rate 14397
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 14398
 X phase-in percentage 14399

Where: 14400

(i) "Medium group intervention units" equals the district's formula ADM divided by 15; 14401
14402

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section. 14403
14404
14405

(b) If the district's poverty index is greater than or equal to 1.50: 14406
14407

 medium-group intervention units X hourly rate X 14408
 level two hours X phase-in percentage 14409

Where: 14410

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section; 14411
14412

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	14413 14414
(iii) "Level two hours" equals 50 hours.	14415
(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows:	14416 14417 14418 14419
(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:	14420 14421
small group intervention units X hourly rate X	14422
{level one hours + [level three hours X	14423
(poverty index - 1.50)]} X phase-in percentage	14424
Where:	14425
(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;	14426 14427
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	14428 14429 14430
(iii) "Level three hours" equals 135 hours.	14431
(b) If the district's poverty index is greater than or equal to 2.50:	14432 14433
small group intervention units X hourly rate	14434
X level three hours X phase-in percentage	14435
Where:	14436
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	14437 14438
(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	14439 14440
(iii) "Level three hours" equals 160 hours.	14441

Any district that receives funds under division (C)(2) or (3) 14442
of this section annually shall submit to the department of 14443
education by a date established by the department a plan 14444
describing how the district will deploy those funds. The 14445
deployment measures described in that plan shall comply with any 14446
applicable spending requirements prescribed in division (J)(6) of 14447
this section or with any order issued by the superintendent of 14448
public instruction under section 3317.017 of the Revised Code. 14449

(D) A payment for all-day kindergarten if the poverty index 14450
of the school district is greater than or equal to 1.0 or if the 14451
district's three-year average formula ADM exceeded seventeen 14452
thousand five hundred. In addition, the department shall make a 14453
payment under this division to any school district that, in a 14454
prior fiscal year, qualified for this payment and provided all-day 14455
kindergarten, regardless of changes to the district's poverty 14456
index. The department shall calculate the payment under this 14457
division by multiplying the all-day kindergarten percentage by the 14458
kindergarten ADM and multiplying that product by the formula 14459
amount. 14460

(E) A class-size reduction payment based on calculating the 14461
number of new teachers necessary to achieve a lower 14462
student-teacher ratio, as follows: 14463

(1) Determine or calculate a formula number of teachers per 14464
one thousand students based on the poverty index of the school 14465
district as follows: 14466

(a) If the poverty index of the school district is less than 14467
1.0, the formula number of teachers is 50.0, which is the number 14468
of teachers per one thousand students at a student-teacher ratio 14469
of twenty to one; 14470

(b) If the poverty index of the school district is greater 14471
than or equal to 1.0, but less than 1.5, the formula number of 14472

teachers is calculated as follows: 14473

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$
 14474

Where 50.0 is the number of teachers per one thousand 14475
students at a student-teacher ratio of twenty to one; 0.5 is the 14476
interval from a poverty index of 1.0 to a poverty index of 1.5; 14477
and 16.667 is the difference in the number of teachers per one 14478
thousand students at a student-teacher ratio of fifteen to one and 14479
the number of teachers per one thousand students at a 14480
student-teacher ratio of twenty to one. 14481

(c) If the poverty index of the school district is greater 14482
than or equal to 1.5, the formula number of teachers is 66.667, 14483
which is the number of teachers per one thousand students at a 14484
student-teacher ratio of fifteen to one. 14485

(2) Multiply the formula number of teachers determined or 14486
calculated in division (E)(1) of this section by the kindergarten 14487
through third grade ADM for the district and divide that product 14488
by one thousand; 14489

(3) Calculate the number of new teachers as follows: 14490

(a) Multiply the kindergarten through third grade ADM by 14491
50.0, which is the number of teachers per one thousand students at 14492
a student-teacher ratio of twenty to one, and divide that product 14493
by one thousand; 14494

(b) Subtract the quotient obtained in division (E)(3)(a) of 14495
this section from the product in division (E)(2) of this section. 14496

(4) Multiply the greater of the difference obtained under 14497
division (E)(3) of this section or zero by the statewide average 14498
teachers compensation. For this purpose, the "statewide average 14499
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 14500
in fiscal year 2007, which includes an amount for the value of 14501
fringe benefits. 14502

(F) A payment for services to limited English proficient students, if the district's poverty index is greater than or equal to 1.0 and the proportion of its students who are limited English proficient, as reported in 2003 on its school district report issued under section 3302.03 of the Revised Code for the 2002-2003 school year, is greater than or equal to 2.0%, calculated as follows:

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per limited English proficient student as follows:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \times \text{formula amount}$$

(2) If the district's poverty index is greater than or equal to 1.75, the amount per limited English proficient student equals:
0.25 X formula amount

(3) Multiply the per student amount determined for the district under division (F)(1) or (2) of this section by the number of the district's limited English proficient students, times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007. For purposes of this calculation, the number of limited English proficient students for each district shall be the number determined by the department when it calculated the district's percentage of limited English proficient students for its school district report card issued in 2003 for the 2002-2003 school year.

Not later than December 31, 2006, the department of education shall recommend to the general assembly and the director of budget and management a method of identifying the number of limited English proficient students for purposes of calculating payments under this division after fiscal year 2007.

(G) A payment for professional development of teachers, if

the district's poverty index is greater than or equal to 1.0,
calculated as follows:

(1) If the district's poverty index is greater than or equal
to 1.0, but less than 1.75, determine the amount per teacher as
follows:

$$[(\text{poverty index} - 1.0) / 0.75] \times 0.045 \times \text{formula amount}$$

(2) If the district's poverty index is greater than or equal
to 1.75, the amount per teacher equals:

$$0.045 \times \text{formula amount}$$

(3) Determine the number of teachers, as follows:

$$(\text{formula ADM} / 17)$$

(4) Multiply the per teacher amount determined for the
district under division (G)(1) or (2) of this section by the
number of teachers determined under division (G)(3) of this
section, times a phase-in percentage of 0.40 in fiscal year 2006
and 0.70 in fiscal year 2007.

(H) A payment for dropout prevention, if the district is a
big eight school district as defined in section 3314.02 of the
Revised Code, calculated as follows:

$$0.005 \times \text{formula amount} \times \text{poverty index}$$

$$\times \text{formula ADM} \times \text{phase-in percentage}$$

Where "phase-in percentage" equals 0.40 in fiscal year 2006
and 0.70 in fiscal year 2007.

(I) An amount for community outreach, if the district is an
urban school district as defined in section 3314.02 of the Revised
Code, calculated as follows:

$$0.005 \times \text{formula amount} \times \text{poverty index} \times$$

$$\text{formula ADM} \times \text{phase-in percentage}$$

Where "phase-in percentage" equals 0.40 in fiscal year 2006
and 0.70 in fiscal year 2007.

(J) This division applies only to school districts whose poverty index is 1.0 or greater. 14564
14565

(1) Each school district subject to this division shall first 14566
utilize funds received under this section so that, when combined 14567
with other funds of the district, sufficient funds exist to 14568
provide all-day kindergarten to at least the number of children in 14569
the district's all-day kindergarten percentage. To satisfy this 14570
requirement, a district may use funds paid under division (C), 14571
(F), (G), (H), or (I) of this section to provide all-day 14572
kindergarten in addition to the all-day kindergarten payment under 14573
division (D) of this section. 14574

(2) ~~Each~~ Except as permitted under division (J)(1) of this 14575
section, each school district shall use its payment under division 14576
(F) of this section for one or more of the following purposes: 14577

(a) To hire teachers for limited English proficient students 14578
or other personnel to provide intervention services for those 14579
students; 14580

(b) To contract for intervention services for those students; 14581

(c) To provide other services to assist those students in 14582
passing the third-grade reading achievement test, and to provide 14583
for those students the intervention services required by section 14584
3313.608 of the Revised Code. 14585

(3) ~~Each~~ Except as permitted under division (J)(1) of this 14586
section, each school district shall use its payment under division 14587
(G) of this section for professional development of teachers or 14588
other licensed personnel providing educational services to 14589
students only in one or more of the following areas: 14590

(a) Data-based decision making; 14591

(b) Standards-based curriculum models; 14592

(c) Job-embedded professional development activities that are 14593

research-based, as defined in federal law. 14594

In addition, each district shall use the payment only to 14595
implement programs identified on a list of eligible professional 14596
development programs provided by the department of education. The 14597
department annually shall provide the list to each district 14598
receiving a payment under division (G) of this section. However, a 14599
district may apply to the department for a waiver to implement an 14600
alternative professional development program in one or more of the 14601
areas specified in divisions (J)(3)(a) to (c) of this section. If 14602
the department grants the waiver, the district may use its payment 14603
under division (G) of this section to implement the alternative 14604
program. 14605

(4) ~~Each~~ Except as permitted under division (J)(1) of this 14606
section, each big eight school district shall use its payment 14607
under division (H) of this section either for preventing at-risk 14608
students from dropping out of school, for safety and security 14609
measures described in division (J)(5)(b) of this section, for 14610
academic intervention services described in division (J)(6) of 14611
this section, or for a combination of those purposes. Not later 14612
than September 1, 2005, the department of education shall provide 14613
each big eight school district with a list of dropout prevention 14614
programs that it has determined are successful. The department 14615
subsequently may update the list. Each district that elects to use 14616
its payment under division (H) of this section for dropout 14617
prevention shall use the payment only to implement a dropout 14618
prevention program specified on the department's list. However, a 14619
district may apply to the department for a waiver to implement an 14620
alternative dropout prevention program. If the department grants 14621
the waiver, the district may use its payment under division (H) of 14622
this section to implement the alternative program. 14623

(5) ~~Each~~ Except as permitted under division (J)(1) of this 14624
section, each urban school district that has a poverty index 14625

greater than or equal to 1.0 shall use its payment under division 14626
(I) of this section for one or a combination of the following 14627
purposes: 14628

(a) To hire or contract for community liaison officers, 14629
attendance or truant officers, or safety and security personnel; 14630

(b) To implement programs designed to ensure that schools are 14631
free of drugs and violence and have a disciplined environment 14632
conducive to learning; 14633

(c) To implement academic intervention services described in 14634
division (J)(6) of this section. 14635

(6) ~~Each~~ Except as permitted under division (J)(1) of this 14636
section, each school district with a poverty index greater than or 14637
equal to 1.0 shall use the amount of its payment under division 14638
(C) of this section, and may use any amount of its payment under 14639
division (H) or (I) of this section, for academic intervention 14640
services for students who have failed or are in danger of failing 14641
any of the tests administered pursuant to section 3301.0710 of the 14642
Revised Code, including intervention services required by section 14643
3313.608 of the Revised Code. ~~No~~ Except as permitted under 14644
division (J)(1) of this section, no district shall spend any 14645
portion of its payment under division (C) of this section for any 14646
other purpose. Notwithstanding any provision to the contrary in 14647
Chapter 4117. of the Revised Code, no collective bargaining 14648
agreement entered into after ~~the effective date of this amendment~~ 14649
June 30, 2005, shall require use of the payment for any other 14650
purpose. 14651

(7) Except as otherwise required by division (K) or permitted 14652
under division (O) of this section, all remaining funds 14653
distributed under this section to districts with a poverty index 14654
greater than or equal to 1.0 shall be utilized for the purpose of 14655
the third grade guarantee. The third grade guarantee consists of 14656

increasing the amount of instructional attention received per 14657
pupil in kindergarten through third grade, either by reducing the 14658
ratio of students to instructional personnel or by increasing the 14659
amount of instruction and curriculum-related activities by 14660
extending the length of the school day or the school year. 14661

School districts may implement a reduction of the ratio of 14662
students to instructional personnel through any or all of the 14663
following methods: 14664

(a) Reducing the number of students in a classroom taught by 14665
a single teacher; 14666

(b) Employing full-time educational aides or educational 14667
paraprofessionals issued a permit or license under section 14668
3319.088 of the Revised Code; 14669

(c) Instituting a team-teaching method that will result in a 14670
lower student-teacher ratio in a classroom. 14671

Districts may extend the school day either by increasing the 14672
amount of time allocated for each class, increasing the number of 14673
classes provided per day, offering optional academic-related 14674
after-school programs, providing curriculum-related extra 14675
curricular activities, or establishing tutoring or remedial 14676
services for students who have demonstrated an educational need. 14677
In accordance with section 3319.089 of the Revised Code, a 14678
district extending the school day pursuant to this division may 14679
utilize a participant of the work experience program who has a 14680
child enrolled in a public school in that district and who is 14681
fulfilling the work requirements of that program by volunteering 14682
or working in that public school. If the work experience program 14683
participant is compensated, the school district may use the funds 14684
distributed under this section for all or part of the 14685
compensation. 14686

Districts may extend the school year either through adding 14687

regular days of instruction to the school calendar or by providing 14688
summer programs. 14689

(K) Each district shall not expend any funds received under 14690
division (E) of this section in any school buildings that are not 14691
buildings with the highest concentration of need, unless there is 14692
a ratio of instructional personnel to students of no more than 14693
fifteen to one in each kindergarten and first grade class in all 14694
buildings with the highest concentration of need. This division 14695
does not require that the funds used in buildings with the highest 14696
concentration of need be spent solely to reduce the ratio of 14697
instructional personnel to students in kindergarten and first 14698
grade. A school district may spend the funds in those buildings in 14699
any manner permitted by division (J)(7) of this section, but may 14700
not spend the money in other buildings unless the fifteen-to-one 14701
ratio required by this division is attained. 14702

(L)(1) By the first day of August of each fiscal year, each 14703
school district wishing to receive any funds under division (D) of 14704
this section shall submit to the department of education an 14705
estimate of its all-day kindergarten percentage. Each district 14706
shall update its estimate throughout the fiscal year in the form 14707
and manner required by the department, and the department shall 14708
adjust payments under this section to reflect the updates. 14709

(2) Annually by the end of December, the department of 14710
education, utilizing data from the information system established 14711
under section 3301.0714 of the Revised Code ~~and after consultation~~ 14712
~~with the legislative office of education oversight~~, shall 14713
determine for each school district subject to division (J) of this 14714
section whether in the preceding fiscal year the district's ratio 14715
of instructional personnel to students and its number of 14716
kindergarten students receiving all-day kindergarten appear 14717
reasonable, given the amounts of money the district received for 14718
that fiscal year pursuant to divisions (D) and (E) of this 14719

section. If the department is unable to verify from the data 14720
available that students are receiving reasonable amounts of 14721
instructional attention and all-day kindergarten, given the funds 14722
the district has received under this section and that class-size 14723
reduction funds are being used in school buildings with the 14724
highest concentration of need as required by division (K) of this 14725
section, the department shall conduct a more intensive 14726
investigation to ensure that funds have been expended as required 14727
by this section. The department shall file an annual report of its 14728
findings under this division with the chairpersons of the 14729
committees in each house of the general assembly dealing with 14730
finance and education. 14731

(M)(1) Each school district with a poverty index less than 14732
1.0 ~~and a three year average formula ADM exceeding seventeen~~ 14733
~~thousand five hundred~~ that receives a payment under division (D) 14734
of this section shall first utilize funds received under this 14735
section so that, when combined with other funds of the district, 14736
sufficient funds exist to provide all-day kindergarten to at least 14737
the number of children in the district's all-day kindergarten 14738
percentage. To satisfy this requirement, a district may use funds 14739
paid under division (C) or (I) of this section to provide all-day 14740
kindergarten in addition to the all-day kindergarten payment under 14741
division (D) of this section. 14742

(2) ~~Each~~ Except as permitted under division (M)(1) of this 14743
section, each school district with a poverty index less than 1.0 14744
that receives a payment under division (C) of this section shall 14745
use its payment under that division in accordance with all 14746
requirements of division (J)(6) of this section. 14747

(3) ~~Each~~ Except as permitted under division (M)(1) of this 14748
section, each school district with a poverty index less than 1.0 14749
that receives a payment under division (I) of this section shall 14750
use its payment under that division for one or a combination of 14751

the following purposes: 14752

(a) To hire or contract for community liaison officers, 14753
attendance or truant officers, or safety and security personnel; 14754

(b) To implement programs designed to ensure that schools are 14755
free of drugs and violence and have a disciplined environment 14756
conducive to learning; 14757

(c) To implement academic intervention services described in 14758
division (J)(6) of this section. 14759

(4) Each school district to which division (M)(1), (2), or 14760
(3) of this section applies shall expend the remaining funds 14761
received under this section, and any other district with a poverty 14762
index less than 1.0 shall expend all funds received under this 14763
section, for any of the following purposes: 14764

(a) The purchase of technology for instructional purposes for 14765
remediation; 14766

(b) All-day kindergarten; 14767

(c) Reduction of class sizes in grades kindergarten through 14768
three, as described in division (J)(7) of this section; 14769

(d) Summer school remediation; 14770

(e) Dropout prevention programs approved by the department of 14771
education under division (J)(4) of this section; 14772

(f) Guaranteeing that all third graders are ready to progress 14773
to more advanced work; 14774

(g) Summer education and work programs; 14775

(h) Adolescent pregnancy programs; 14776

(i) Head start, preschool, early childhood education, or 14777
early learning programs; 14778

(j) Reading improvement and remediation programs described by 14779
the department of education; 14780

(k) Programs designed to ensure that schools are free of 14781
drugs and violence and have a disciplined environment conducive to 14782
learning; 14783

(l) Furnishing, free of charge, materials used in courses of 14784
instruction, except for the necessary textbooks or electronic 14785
textbooks required to be furnished without charge pursuant to 14786
section 3329.06 of the Revised Code, to pupils living in families 14787
participating in Ohio works first in accordance with section 14788
3313.642 of the Revised Code; 14789

(m) School breakfasts provided pursuant to section 3313.813 14790
of the Revised Code. 14791

(N) If at any time the superintendent of public instruction 14792
determines that a school district receiving funds under division 14793
(D) of this section has enrolled less than the all-day 14794
kindergarten percentage reported for that fiscal year, the 14795
superintendent shall withhold from the funds otherwise due the 14796
district under this section a proportional amount as determined by 14797
the difference in the certified all-day kindergarten percentage 14798
and the percentage actually enrolled in all-day kindergarten. 14799

The superintendent shall also withhold an appropriate amount 14800
of funds otherwise due a district for any other misuse of funds 14801
not in accordance with this section. 14802

(O)(1) A district may use a portion of the funds calculated 14803
for it under division (D) of this section to modify or purchase 14804
classroom space to provide all-day kindergarten, if both of the 14805
following conditions are met: 14806

(a) The district certifies to the department, in a manner 14807
acceptable to the department, that it has a shortage of space for 14808
providing all-day kindergarten. 14809

(b) The district provides all-day kindergarten to the number 14810

of children in the all-day kindergarten percentage it certified 14811
under this section. 14812

(2) A district may use a portion of the funds described in 14813
division (J)(7) of this section to modify or purchase classroom 14814
space to enable it to further reduce class size in grades 14815
kindergarten through two with a goal of attaining class sizes of 14816
fifteen students per licensed teacher. To do so, the district must 14817
certify its need for additional space to the department, in a 14818
manner satisfactory to the department. 14819

Sec. 3317.0216. (A) As used in this section: 14820

(1) "Total taxes charged and payable for current expenses" 14821
means the sum of the taxes charged and payable as certified under 14822
division (A)(3)(a) of section 3317.021 of the Revised Code less 14823
any amounts reported under division (A)(3)(b) of that section, and 14824
the tax distribution for the preceding year under any school 14825
district income tax levied by the district pursuant to Chapter 14826
5748. of the Revised Code to the extent the revenue from the 14827
income tax is allocated or apportioned to current expenses. 14828

(2) "Charge-off amount" means two and three-tenths per cent 14829
multiplied by (the sum of recognized valuation and property 14830
exemption value). 14831

(3) Until fiscal year 2003, the "actual local share of 14832
special education, transportation, and vocational education 14833
funding" for any school district means the sum of the district's 14834
attributed local shares described in divisions (F)(1) to (3) of 14835
section 3317.022 of the Revised Code. Beginning in fiscal year 14836
2003, the "actual local share of special education, 14837
transportation, and vocational education funding" means that sum 14838
minus the amount of any excess cost supplement payment calculated 14839
for the district under division (F) of section 3317.022 of the 14840

Revised Code. 14841

(4) "Current expense revenues from the tangible property tax 14842
replacement fund" means payments received from the school district 14843
tangible property tax replacement fund or the general revenue fund 14844
under section 5751.21 of the Revised Code for fixed-rate levies 14845
for current expenses and for fixed-sum levies for current 14846
expenses, including school district emergency levies under 14847
sections 5705.194 to 5705.197 of the Revised Code. 14848

(B) Upon receiving the certifications under section 3317.021 14849
of the Revised Code, the department of education shall determine 14850
for each city, local, and exempted village school district whether 14851
the district's charge-off amount is greater than the sum of the 14852
district's total taxes charged and payable for current expenses 14853
and current expense revenues from the tangible property tax 14854
replacement fund, and if the charge-off amount is greater, shall 14855
pay the district the amount of the difference. A payment shall not 14856
be made to any school district for which the computation under 14857
division (A) of section 3317.022 of the Revised Code equals zero. 14858

(C)(1) If a district's charge-off amount is equal to or 14859
greater than the sum of its total taxes charged and payable for 14860
current expenses and current expense revenues from the tangible 14861
property tax replacement fund, the department shall, in addition 14862
to the payment required under division (B) of this section, pay 14863
the district the amount of its actual local share of special 14864
education, transportation, and vocational education funding. 14865

(2) If a district's charge-off amount is less than the sum of 14866
its total taxes charged and payable for current expenses and 14867
current expense revenues from the tangible property tax 14868
replacement fund, the department shall pay the district any amount 14869
by which its actual local share of special education, 14870
transportation, and vocational education funding exceeds the sum 14871

of its total taxes charged and payable for current expenses and 14872
current expense revenues from the tangible property tax 14873
replacement fund minus its charge-off amount. 14874

(D) If a school district that received a payment under 14875
division (B) or (C) of this section in the prior fiscal year is 14876
ineligible for payment under those divisions in the current fiscal 14877
year, the department shall determine if the ineligibility is the 14878
result of a property tax or income tax levy approved by the 14879
district's voters to take effect in tax year 2005 or thereafter. 14880
If the department determines that is the case, and calculates that 14881
the levy causing the ineligibility exceeded by at least one mill 14882
the equivalent millage of the prior year's payment under divisions 14883
(B) and (C) of this section, the department shall make a payment 14884
to the district for the first three years that the district loses 14885
eligibility for payment under divisions (B) and (C) of this 14886
section, as follows: 14887

(1) In the first year of ineligibility, the department shall 14888
pay the district seventy-five per cent of the amount it last paid 14889
the district under divisions (B) and (C) of this section. 14890

(2) In the second year of ineligibility, the department shall 14891
pay the district fifty per cent of the amount it last paid the 14892
district under those divisions. 14893

(3) In the third year of ineligibility, the department shall 14894
pay the district twenty-five per cent of the amount it last paid 14895
the district under those divisions. 14896

(E) A district that receives payment under division (D) of 14897
this section and subsequently qualifies for payment under division 14898
(B) or (C) of this section is ineligible for future payments under 14899
division (D) of this section. 14900

(F) To enable the department of education to make the 14901
determinations and to calculate payments under division (D) of 14902

this section, on the effective date of this amendment, and on or 14903
before the first day of March of each year thereafter, the 14904
department shall send to the tax commissioner a list of school 14905
districts receiving payments under division (B) or (C) of this 14906
section for the current fiscal year. On or before the first day of 14907
the following June, the tax commissioner shall certify to the 14908
department of education for those school districts the information 14909
required by division (A)(8) of section 3317.021 of the Revised 14910
Code. 14911

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 14912
(C) of this section, any student enrolled in kindergarten more 14913
than half time shall be reported as one-half student under this 14914
section. 14915

(A) The superintendent of each city and exempted village 14916
school district and of each educational service center shall, for 14917
the schools under the superintendent's supervision, certify to the 14918
state board of education on or before the fifteenth day of October 14919
in each year for the first full school week in October the formula 14920
ADM. Beginning in fiscal year 2006, each superintendent also shall 14921
certify to the state board, for the schools under the 14922
superintendent's supervision, the formula ADM for the third full 14923
week in February. If a school under the superintendent's 14924
supervision is closed for one or more days during that week due to 14925
hazardous weather conditions or other circumstances described in 14926
the first paragraph of division (B) of section 3317.01 of the 14927
Revised Code, the superintendent may apply to the superintendent 14928
of public instruction for a waiver, under which the superintendent 14929
of public instruction may exempt the district superintendent from 14930
certifying the formula ADM for that school for that week and 14931
specify an alternate week for certifying the formula ADM of that 14932
school. 14933

The formula ADM shall consist of the average daily membership 14934
during such week of the sum of the following: 14935

(1) On an FTE basis, the number of students in grades 14936
kindergarten through twelve receiving any educational services 14937
from the district, except that the following categories of 14938
students shall not be included in the determination: 14939

(a) Students enrolled in adult education classes; 14940

(b) Adjacent or other district students enrolled in the 14941
district under an open enrollment policy pursuant to section 14942
3313.98 of the Revised Code; 14943

(c) Students receiving services in the district pursuant to a 14944
compact, cooperative education agreement, or a contract, but who 14945
are entitled to attend school in another district pursuant to 14946
section 3313.64 or 3313.65 of the Revised Code; 14947

(d) Students for whom tuition is payable pursuant to sections 14948
3317.081 and 3323.141 of the Revised Code. 14949

(2) On an FTE basis, the number of students entitled to 14950
attend school in the district pursuant to section 3313.64 or 14951
3313.65 of the Revised Code, but receiving educational services in 14952
grades kindergarten through twelve from one or more of the 14953
following entities: 14954

(a) A community school pursuant to Chapter 3314. of the 14955
Revised Code, including any participation in a college pursuant to 14956
Chapter 3365. of the Revised Code while enrolled in such community 14957
school; 14958

(b) An alternative school pursuant to sections 3313.974 to 14959
3313.979 of the Revised Code as described in division (I)(2)(a) or 14960
(b) of this section; 14961

(c) A college pursuant to Chapter 3365. of the Revised Code, 14962
except when the student is enrolled in the college while also 14963

enrolled in a community school pursuant to Chapter 3314. of the Revised Code; 14964
14965

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 14966
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14968

(e) An educational service center or cooperative education district; 14969
14970

(f) Another school district under a cooperative education agreement, compact, or contract; 14971
14972

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code. 14973
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(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact; 14975
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(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero. 14983
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(5) In the case of the report submitted for the third full week in February, or the alternative week if specified by the superintendent of public instruction, the number of students reported under division (A)(1) or (2) of this section for the 14990
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first full week of the preceding October but who since that week	14994
have received high school diplomas.	14995
(B) To enable the department of education to obtain the data	14996
needed to complete the calculation of payments pursuant to this	14997
chapter, in addition to the formula ADM, each superintendent shall	14998
report separately the following student counts for the same week	14999
for which formula ADM is certified:	15000
(1) The total average daily membership in regular day classes	15001
included in the report under division (A)(1) or (2) of this	15002
section for kindergarten, and each of grades one through twelve in	15003
schools under the superintendent's supervision;	15004
(2) The number of all handicapped preschool children enrolled	15005
as of the first day of December in classes in the district that	15006
are eligible for approval under division (B) of section 3317.05 of	15007
the Revised Code and the number of those classes, which shall be	15008
reported not later than the fifteenth day of December, in	15009
accordance with rules adopted under that section;	15010
(3) The number of children entitled to attend school in the	15011
district pursuant to section 3313.64 or 3313.65 of the Revised	15012
Code who are:	15013
(a) Participating in a pilot project scholarship program	15014
established under sections 3313.974 to 3313.979 of the Revised	15015
Code as described in division (I)(2)(a) or (b) of this section;	15016
(b) Enrolled in a college under Chapter 3365. of the Revised	15017
Code, except when the student is enrolled in the college while	15018
also enrolled in a community school pursuant to Chapter 3314. of	15019
the Revised Code;	15020
(c) Enrolled in an adjacent or other school district under	15021
section 3313.98 of the Revised Code;	15022
(d) Enrolled in a community school established under Chapter	15023

3314. of the Revised Code that is not an internet- or	15024
computer-based community school as defined in section 3314.02 of	15025
the Revised Code, including any participation in a college	15026
pursuant to Chapter 3365. of the Revised Code while enrolled in	15027
such community school;	15028
(e) Enrolled in an internet- or computer-based community	15029
school, as defined in section 3314.02 of the Revised Code,	15030
including any participation in a college pursuant to Chapter 3365.	15031
of the Revised Code while enrolled in the school;	15032
(f) Enrolled in a chartered nonpublic school with a	15033
scholarship paid under section 3310.08 of the Revised Code;	15034
(g) Participating in a program operated by a county MR/DD	15035
board or a state institution+.	15036
(4) The number of pupils enrolled in joint vocational	15037
schools;	15038
(5) The average daily membership of handicapped children	15039
reported under division (A)(1) or (2) of this section receiving	15040
special education services for the category one handicap described	15041
in division (A) of section 3317.013 of the Revised Code;	15042
(6) The average daily membership of handicapped children	15043
reported under division (A)(1) or (2) of this section receiving	15044
special education services for category two handicaps described in	15045
division (B) of section 3317.013 of the Revised Code;	15046
(7) The average daily membership of handicapped children	15047
reported under division (A)(1) or (2) of this section receiving	15048
special education services for category three handicaps described	15049
in division (C) of section 3317.013 of the Revised Code;	15050
(8) The average daily membership of handicapped children	15051
reported under division (A)(1) or (2) of this section receiving	15052
special education services for category four handicaps described	15053

in division (D) of section 3317.013 of the Revised Code; 15054

(9) The average daily membership of handicapped children 15055
reported under division (A)(1) or (2) of this section receiving 15056
special education services for the category five handicap 15057
described in division (E) of section 3317.013 of the Revised Code; 15058

(10) The average daily membership of handicapped children 15059
reported under division (A)(1) or (2) of this section receiving 15060
special education services for category six handicaps described in 15061
division (F) of section 3317.013 of the Revised Code; 15062

(11) The average daily membership of pupils reported under 15063
division (A)(1) or (2) of this section enrolled in category one 15064
vocational education programs or classes, described in division 15065
(A) of section 3317.014 of the Revised Code, operated by the 15066
school district or by another district, other than a joint 15067
vocational school district, or by an educational service center, 15068
excluding any student reported under division (B)(3)(e) of this 15069
section as enrolled in an internet- or computer-based community 15070
school, notwithstanding division (C) of section 3317.02 of the 15071
Revised Code and division (C)(3) of this section; 15072

(12) The average daily membership of pupils reported under 15073
division (A)(1) or (2) of this section enrolled in category two 15074
vocational education programs or services, described in division 15075
(B) of section 3317.014 of the Revised Code, operated by the 15076
school district or another school district, other than a joint 15077
vocational school district, or by an educational service center, 15078
excluding any student reported under division (B)(3)(e) of this 15079
section as enrolled in an internet- or computer-based community 15080
school, notwithstanding division (C) of section 3317.02 of the 15081
Revised Code and division (C)(3) of this section; 15082

(13) The average number of children transported by the school 15083
district on board-owned or contractor-owned and -operated buses, 15084

reported in accordance with rules adopted by the department of education; 15085
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(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998; 15087
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(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code; 15090
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(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code; 15095
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(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code; 15100
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(e) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code; 15105
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(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code; 15110
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(g) The number of handicapped children, other than 15115
handicapped preschool children, placed with a county MR/DD board 15116
in the current fiscal year to receive special education services 15117
for category six handicaps described in division (F) of section 15118
3317.013 of the Revised Code. 15119

(C)(1) Except as otherwise provided in this section for 15120
kindergarten students, the average daily membership in divisions 15121
(B)(1) to (12) of this section shall be based upon the number of 15122
full-time equivalent students. The state board of education shall 15123
adopt rules defining full-time equivalent students and for 15124
determining the average daily membership therefrom for the 15125
purposes of divisions (A), (B), and (D) of this section. 15126

(2) A student enrolled in a community school established 15127
under Chapter 3314. of the Revised Code shall be counted in the 15128
formula ADM and, if applicable, the category one, two, three, 15129
four, five, or six special education ADM of the school district in 15130
which the student is entitled to attend school under section 15131
3313.64 or 3313.65 of the Revised Code for the same proportion of 15132
the school year that the student is counted in the enrollment of 15133
the community school for purposes of section 3314.08 of the 15134
Revised Code. 15135

(3) No child shall be counted as more than a total of one 15136
child in the sum of the average daily memberships of a school 15137
district under division (A), divisions (B)(1) to (12), or division 15138
(D) of this section, except as follows: 15139

(a) A child with a handicap described in section 3317.013 of 15140
the Revised Code may be counted both in formula ADM and in 15141
category one, two, three, four, five, or six special education ADM 15142
and, if applicable, in category one or two vocational education 15143
ADM. As provided in division (C) of section 3317.02 of the Revised 15144
Code, such a child shall be counted in category one, two, three, 15145

four, five, or six special education ADM in the same proportion 15146
that the child is counted in formula ADM. 15147

(b) A child enrolled in vocational education programs or 15148
classes described in section 3317.014 of the Revised Code may be 15149
counted both in formula ADM and category one or two vocational 15150
education ADM and, if applicable, in category one, two, three, 15151
four, five, or six special education ADM. Such a child shall be 15152
counted in category one or two vocational education ADM in the 15153
same proportion as the percentage of time that the child spends in 15154
the vocational education programs or classes. 15155

(4) Based on the information reported under this section, the 15156
department of education shall determine the total student count, 15157
as defined in section 3301.011 of the Revised Code, for each 15158
school district. 15159

(D)(1) The superintendent of each joint vocational school 15160
district shall certify to the superintendent of public instruction 15161
on or before the fifteenth day of October in each year for the 15162
first full school week in October the formula ADM. Beginning in 15163
fiscal year 2006, each superintendent also shall certify to the 15164
state superintendent the formula ADM for the third full week in 15165
February. If a school operated by the joint vocational school 15166
district is closed for one or more days during that week due to 15167
hazardous weather conditions or other circumstances described in 15168
the first paragraph of division (B) of section 3317.01 of the 15169
Revised Code, the superintendent may apply to the superintendent 15170
of public instruction for a waiver, under which the superintendent 15171
of public instruction may exempt the district superintendent from 15172
certifying the formula ADM for that school for that week and 15173
specify an alternate week for certifying the formula ADM of that 15174
school. 15175

The formula ADM, except as otherwise provided in this 15176

division, shall consist of the average daily membership during 15177
such week, on an FTE basis, of the number of students receiving 15178
any educational services from the district, including students 15179
enrolled in a community school established under Chapter 3314. of 15180
the Revised Code who are attending the joint vocational district 15181
under an agreement between the district board of education and the 15182
governing authority of the community school and are entitled to 15183
attend school in a city, local, or exempted village school 15184
district whose territory is part of the territory of the joint 15185
vocational district. In the case of the report submitted for the 15186
third week in February, or the alternative week if specified by 15187
the superintendent of public instruction, the superintendent of 15188
the joint vocational school district may include the number of 15189
students reported under division (D)(1) of this section for the 15190
first full week of the preceding October but who since that week 15191
have received high school diplomas. 15192

The following categories of students shall not be included in 15193
the determination made under division (D)(1) of this section: 15194

(a) Students enrolled in adult education classes; 15195

(b) Adjacent or other district joint vocational students 15196
enrolled in the district under an open enrollment policy pursuant 15197
to section 3313.98 of the Revised Code; 15198

(c) Students receiving services in the district pursuant to a 15199
compact, cooperative education agreement, or a contract, but who 15200
are entitled to attend school in a city, local, or exempted 15201
village school district whose territory is not part of the 15202
territory of the joint vocational district; 15203

(d) Students for whom tuition is payable pursuant to sections 15204
3317.081 and 3323.141 of the Revised Code. 15205

(2) To enable the department of education to obtain the data 15206
needed to complete the calculation of payments pursuant to this 15207

chapter, in addition to the formula ADM, each superintendent shall	15208
report separately the average daily membership included in the	15209
report under division (D)(1) of this section for each of the	15210
following categories of students for the same week for which	15211
formula ADM is certified:	15212
(a) Students enrolled in each grade included in the joint	15213
vocational district schools;	15214
(b) Handicapped children receiving special education services	15215
for the category one handicap described in division (A) of section	15216
3317.013 of the Revised Code;	15217
(c) Handicapped children receiving special education services	15218
for the category two handicaps described in division (B) of	15219
section 3317.013 of the Revised Code;	15220
(d) Handicapped children receiving special education services	15221
for category three handicaps described in division (C) of section	15222
3317.013 of the Revised Code;	15223
(e) Handicapped children receiving special education services	15224
for category four handicaps described in division (D) of section	15225
3317.013 of the Revised Code;	15226
(f) Handicapped children receiving special education services	15227
for the category five handicap described in division (E) of	15228
section 3317.013 of the Revised Code;	15229
(g) Handicapped children receiving special education services	15230
for category six handicaps described in division (F) of section	15231
3317.013 of the Revised Code;	15232
(h) Students receiving category one vocational education	15233
services, described in division (A) of section 3317.014 of the	15234
Revised Code;	15235
(i) Students receiving category two vocational education	15236
services, described in division (B) of section 3317.014 of the	15237

Revised Code. 15238

The superintendent of each joint vocational school district 15239
shall also indicate the city, local, or exempted village school 15240
district in which each joint vocational district pupil is entitled 15241
to attend school pursuant to section 3313.64 or 3313.65 of the 15242
Revised Code. 15243

(E) In each school of each city, local, exempted village, 15244
joint vocational, and cooperative education school district there 15245
shall be maintained a record of school membership, which record 15246
shall accurately show, for each day the school is in session, the 15247
actual membership enrolled in regular day classes. For the purpose 15248
of determining average daily membership, the membership figure of 15249
any school shall not include any pupils except those pupils 15250
described by division (A) of this section. The record of 15251
membership for each school shall be maintained in such manner that 15252
no pupil shall be counted as in membership prior to the actual 15253
date of entry in the school and also in such manner that where for 15254
any cause a pupil permanently withdraws from the school that pupil 15255
shall not be counted as in membership from and after the date of 15256
such withdrawal. There shall not be included in the membership of 15257
any school any of the following: 15258

(1) Any pupil who has graduated from the twelfth grade of a 15259
public or nonpublic high school; 15260

(2) Any pupil who is not a resident of the state; 15261

(3) Any pupil who was enrolled in the schools of the district 15262
during the previous school year when tests were administered under 15263
section 3301.0711 of the Revised Code but did not take one or more 15264
of the tests required by that section and was not excused pursuant 15265
to division (C)(1) or (3) of that section; 15266

(4) Any pupil who has attained the age of twenty-two years, 15267
except for veterans of the armed services whose attendance was 15268

interrupted before completing the recognized twelve-year course of 15269
the public schools by reason of induction or enlistment in the 15270
armed forces and who apply for reenrollment in the public school 15271
system of their residence not later than four years after 15272
termination of war or their honorable discharge. 15273

If, however, any veteran described by division (E)(4) of this 15274
section elects to enroll in special courses organized for veterans 15275
for whom tuition is paid under the provisions of federal laws, or 15276
otherwise, that veteran shall not be included in average daily 15277
membership. 15278

Notwithstanding division (E)(3) of this section, the 15279
membership of any school may include a pupil who did not take a 15280
test required by section 3301.0711 of the Revised Code if the 15281
superintendent of public instruction grants a waiver from the 15282
requirement to take the test to the specific pupil and a parent is 15283
not paying tuition for the pupil pursuant to section 3313.6410 of 15284
the Revised Code. The superintendent may grant such a waiver only 15285
for good cause in accordance with rules adopted by the state board 15286
of education. 15287

Except as provided in divisions (B)(2) and (F) of this 15288
section, the average daily membership figure of any local, city, 15289
exempted village, or joint vocational school district shall be 15290
determined by dividing the figure representing the sum of the 15291
number of pupils enrolled during each day the school of attendance 15292
is actually open for instruction during the week for which the 15293
formula ADM is being certified by the total number of days the 15294
school was actually open for instruction during that week. For 15295
purposes of state funding, "enrolled" persons are only those 15296
pupils who are attending school, those who have attended school 15297
during the current school year and are absent for authorized 15298
reasons, and those handicapped children currently receiving home 15299
instruction. 15300

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February. Division (F)(1) of this section does not apply after fiscal year 2005.

(2) If on the first school day of April the total number of classes or units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed

in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code. 15333
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(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the first full school week in October. 15335
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(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following: 15347
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(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code; 15353
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(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code. 15357
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(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's 15361
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supervision, certify to the state board of education the average
daily membership in those units, in the manner prescribed by the
superintendent of public instruction.

(2) The superintendent of each county MR/DD board that
maintains special education classes under section 3317.20 of the
Revised Code or units approved pursuant to section 3317.05 of the
Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by
the board, the average daily membership in classes under section
3317.20 of the Revised Code for each school district that has
placed children in the classes;

(b) Certify to the state board, in the manner prescribed by
the board, the number of all handicapped preschool children
enrolled as of the first day of December in classes eligible for
approval under division (B) of section 3317.05 of the Revised
Code, and the number of those classes.

(3)(a) If on the first school day of April the number of
classes or units maintained for handicapped preschool children by
the county MR/DD board that are eligible for approval under
division (B) of section 3317.05 of the Revised Code is greater
than the number of units approved for the year under that
division, the superintendent shall make the certification required
by this section for that day.

(b) If the department determines that additional classes or
units can be approved for the fiscal year within any limitations
set forth in the acts appropriating moneys for the funding of the
classes and units described in division (G)(3)(a) of this section,
the department shall approve and fund additional units for the
fiscal year on the basis of such average daily membership. For
each unit so approved, the department shall pay an amount computed
in the manner prescribed in sections 3317.052 and 3317.053 of the

Revised Code. 15395

(H) Except as provided in division (I) of this section, when 15396
any city, local, or exempted village school district provides 15397
instruction for a nonresident pupil whose attendance is 15398
unauthorized attendance as defined in section 3327.06 of the 15399
Revised Code, that pupil's membership shall not be included in 15400
that district's membership figure used in the calculation of that 15401
district's formula ADM or included in the determination of any 15402
unit approved for the district under section 3317.05 of the 15403
Revised Code. The reporting official shall report separately the 15404
average daily membership of all pupils whose attendance in the 15405
district is unauthorized attendance, and the membership of each 15406
such pupil shall be credited to the school district in which the 15407
pupil is entitled to attend school under division (B) of section 15408
3313.64 or section 3313.65 of the Revised Code as determined by 15409
the department of education. 15410

(I)(1) A city, local, exempted village, or joint vocational 15411
school district admitting a scholarship student of a pilot project 15412
district pursuant to division (C) of section 3313.976 of the 15413
Revised Code may count such student in its average daily 15414
membership. 15415

(2) In any year for which funds are appropriated for pilot 15416
project scholarship programs, a school district implementing a 15417
state-sponsored pilot project scholarship program that year 15418
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 15419
count in average daily membership: 15420

(a) All children residing in the district and utilizing a 15421
scholarship to attend kindergarten in any alternative school, as 15422
defined in section 3313.974 of the Revised Code; 15423

(b) All children who were enrolled in the district in the 15424
preceding year who are utilizing a scholarship to attend any such 15425

alternative school. 15426

(J) The superintendent of each cooperative education school 15427
district shall certify to the superintendent of public 15428
instruction, in a manner prescribed by the state board of 15429
education, the applicable average daily memberships for all 15430
students in the cooperative education district, also indicating 15431
the city, local, or exempted village district where each pupil is 15432
entitled to attend school under section 3313.64 or 3313.65 of the 15433
Revised Code. 15434

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 15435
3317.11 of the Revised Code, a unit funded pursuant to division 15436
(~~P~~)(L) of section 3317.024 or division (A)(2) of section 3317.052 15437
of the Revised Code shall not be approved for state funding in one 15438
school district, including any cooperative education school 15439
district or any educational service center, to the extent that 15440
such unit provides programs in or services to another district 15441
which receives payment pursuant to section 3317.04 of the Revised 15442
Code. 15443

(2) Any city, local, exempted village, or cooperative 15444
education school district or any educational service center may 15445
combine partial unit eligibility for handicapped preschool 15446
programs pursuant to section 3317.05 of the Revised Code, and such 15447
combined partial units may be approved for state funding in one 15448
school district or service center. 15449

(B) After units have been initially approved for any fiscal 15450
year under section 3317.05 of the Revised Code, no unit shall be 15451
subsequently transferred from a school district or educational 15452
service center to another city, exempted village, local, or 15453
cooperative education school district or educational service 15454
center or to an institution or county MR/DD board solely for the 15455
purpose of reducing the financial obligations of the school 15456

district in a fiscal year it receives payment pursuant to section 15457
3317.04 of the Revised Code. 15458

Sec. 3317.053. (A) As used in this section: 15459

(1) "State share percentage" has the same meaning as in 15460
section 3317.022 of the Revised Code. 15461

(2) "Dollar amount" means the amount shown in the following 15462
table for the corresponding type of unit: 15463

TYPE OF UNIT	DOLLAR AMOUNT	
Division (B) of section 3317.05		15464
of the Revised Code	\$8,334	15465
Division (C) of that section	\$3,234	15466
Division (E) of that section	\$5,550	15467

(3) "Average unit amount" means the amount shown in the 15468
following table for the corresponding type of unit: 15469

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
Division (B) of section 3317.05		15470
of the Revised Code	\$7,799	15471
Division (C) of that section	\$2,966	15472
Division (E) of that section	\$5,251	15473

(B) In the case of each unit described in division (B), (C), 15474
or (E) of section 3317.05 of the Revised Code and allocated to a 15475
city, local, or exempted village school district, the department 15476
of education, in addition to the amounts specified in division 15477
(~~P~~)(L) of section 3317.024 and sections 3317.052 and 3317.19 of 15478
the Revised Code, shall pay a supplemental unit allowance equal to 15479
the sum of the following amounts: 15480

(1) An amount equal to 50% of the average unit amount for the 15481
unit; 15482

(2) An amount equal to the percentage of the dollar amount 15483
for the unit that equals the district's state share percentage. 15484

If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.

(C)(1) In the case of each unit allocated to an institution pursuant to division (A) of section 3317.05 of the Revised Code, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227.

(2) In the case of each unit described in division (B) of section 3317.05 of the Revised Code that is allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amount specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,799.

(3) In the case of each unit described in division (C) of section 3317.05 of the Revised Code and allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amounts specified in section 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$2,966.

(4) In the case of each unit described in division (E) of section 3317.05 of the Revised Code and allocated to an

educational service center, the department, in addition to the 15518
amounts specified in division ~~(P)~~(L) of section 3317.024 of the 15519
Revised Code, shall pay a supplemental unit allowance of \$5,251. 15520

Sec. 3317.06. Moneys paid to school districts under division 15521
~~(L)~~(I) of section 3317.024 of the Revised Code shall be used for 15522
the following independent and fully severable purposes: 15523

(A) To purchase such secular textbooks or electronic 15524
textbooks as have been approved by the superintendent of public 15525
instruction for use in public schools in the state and to loan 15526
such textbooks or electronic textbooks to pupils attending 15527
nonpublic schools within the district or to their parents and to 15528
hire clerical personnel to administer such lending program. Such 15529
loans shall be based upon individual requests submitted by such 15530
nonpublic school pupils or parents. Such requests shall be 15531
submitted to the school district in which the nonpublic school is 15532
located. Such individual requests for the loan of textbooks or 15533
electronic textbooks shall, for administrative convenience, be 15534
submitted by the nonpublic school pupil or the pupil's parent to 15535
the nonpublic school, which shall prepare and submit collective 15536
summaries of the individual requests to the school district. As 15537
used in this section: 15538

(1) "Textbook" means any book or book substitute that a pupil 15539
uses as a consumable or nonconsumable text, text substitute, or 15540
text supplement in a particular class or program in the school the 15541
pupil regularly attends. 15542

(2) "Electronic textbook" means computer software, 15543
interactive videodisc, magnetic media, CD-ROM, computer 15544
courseware, local and remote computer assisted instruction, 15545
on-line service, electronic medium, or other means of conveying 15546
information to the student or otherwise contributing to the 15547
learning process through electronic means. 15548

(B) To provide speech and hearing diagnostic services to pupils attending nonpublic schools within the district. Such service shall be provided in the nonpublic school attended by the pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public

centers, or in mobile units located on or off of the nonpublic 15580
premises. If such services are provided in the public school or in 15581
public centers, transportation to and from such facilities shall 15582
be provided by the school district in which the nonpublic school 15583
is located. 15584

(H) To supply for use by pupils attending nonpublic schools 15585
within the district such standardized tests and scoring services 15586
as are in use in the public schools of the state; 15587

(I) To provide programs for children who attend nonpublic 15588
schools within the district and are handicapped children as 15589
defined in division (A) of section 3323.01 of the Revised Code or 15590
gifted children. Such programs shall be provided in the public 15591
school, in nonpublic schools, in public centers, or in mobile 15592
units located on or off of the nonpublic premises. If such 15593
programs are provided in the public school or in public centers, 15594
transportation to and from such facilities shall be provided by 15595
the school district in which the nonpublic school is located. 15596

(J) To hire clerical personnel to assist in the 15597
administration of programs pursuant to divisions (B), (C), (D), 15598
(E), (F), (G), and (I) of this section and to hire supervisory 15599
personnel to supervise the providing of services and textbooks 15600
pursuant to this section. 15601

(K) To purchase or lease any secular, neutral, and 15602
nonideological computer software (including site-licensing), 15603
prerecorded video laserdiscs, digital video on demand (DVD), 15604
compact discs, and video cassette cartridges, wide area 15605
connectivity and related technology as it relates to internet 15606
access, mathematics or science equipment and materials, 15607
instructional materials, and school library materials that are in 15608
general use in the public schools of the state and loan such items 15609
to pupils attending nonpublic schools within the district or to 15610

their parents, and to hire clerical personnel to administer the
lending program. Only such items that are incapable of diversion
to religious use and that are susceptible of loan to individual
pupils and are furnished for the use of individual pupils shall be
purchased and loaned under this division. As used in this section,
"instructional materials" means prepared learning materials that
are secular, neutral, and nonideological in character and are of
benefit to the instruction of school children, and may include
educational resources and services developed by the eTech Ohio
commission.

(L) To purchase or lease instructional equipment, including
computer hardware and related equipment in general use in the
public schools of the state, for use by pupils attending nonpublic
schools within the district and to loan such items to pupils
attending nonpublic schools within the district or to their
parents, and to hire clerical personnel to administer the lending
program.

(M) To purchase mobile units to be used for the provision of
services pursuant to divisions (E), (F), (G), and (I) of this
section and to pay for necessary repairs and operating costs
associated with these units.

Clerical and supervisory personnel hired pursuant to division
(J) of this section shall perform their services in the public
schools, in nonpublic schools, public centers, or mobile units
where the services are provided to the nonpublic school pupil,
except that such personnel may accompany pupils to and from the
service sites when necessary to ensure the safety of the children
receiving the services.

All services provided pursuant to this section may be
provided under contract with educational service centers, the
department of health, city or general health districts, or private

agencies whose personnel are properly licensed by an appropriate 15642
state board or agency. 15643

Transportation of pupils provided pursuant to divisions (E), 15644
(F), (G), and (I) of this section shall be provided by the school 15645
district from its general funds and not from moneys paid to it 15646
under division ~~(L)~~(I) of section 3317.024 of the Revised Code 15647
unless a special transportation request is submitted by the parent 15648
of the child receiving service pursuant to such divisions. If such 15649
an application is presented to the school district, it may pay for 15650
the transportation from moneys paid to it under division ~~(L)~~(I) of 15651
section 3317.024 of the Revised Code. 15652

No school district shall provide health or remedial services 15653
to nonpublic school pupils as authorized by this section unless 15654
such services are available to pupils attending the public schools 15655
within the district. 15656

Materials, equipment, computer hardware or software, 15657
textbooks, electronic textbooks, and health and remedial services 15658
provided for the benefit of nonpublic school pupils pursuant to 15659
this section and the admission of pupils to such nonpublic schools 15660
shall be provided without distinction as to race, creed, color, or 15661
national origin of such pupils or of their teachers. 15662

No school district shall provide services, materials, or 15663
equipment that contain religious content for use in religious 15664
courses, devotional exercises, religious training, or any other 15665
religious activity. 15666

As used in this section, "parent" includes a person standing 15667
in loco parentis to a child. 15668

Notwithstanding section 3317.01 of the Revised Code, payments 15669
shall be made under this section to any city, local, or exempted 15670
village school district within which is located one or more 15671
nonpublic elementary or high schools and any payments made to 15672

school districts under division ~~(L)~~(I) of section 3317.024 of the 15673
Revised Code for purposes of this section may be disbursed without 15674
submission to and approval of the controlling board. 15675

The allocation of payments for materials, equipment, 15676
textbooks, electronic textbooks, health services, and remedial 15677
services to city, local, and exempted village school districts 15678
shall be on the basis of the state board of education's estimated 15679
annual average daily membership in nonpublic elementary and high 15680
schools located in the district. 15681

Payments made to city, local, and exempted village school 15682
districts under this section shall be equal to specific 15683
appropriations made for the purpose. All interest earned by a 15684
school district on such payments shall be used by the district for 15685
the same purposes and in the same manner as the payments may be 15686
used. 15687

The department of education shall adopt guidelines and 15688
procedures under which such programs and services shall be 15689
provided, under which districts shall be reimbursed for 15690
administrative costs incurred in providing such programs and 15691
services, and under which any unexpended balance of the amounts 15692
appropriated by the general assembly to implement this section may 15693
be transferred to the auxiliary services personnel unemployment 15694
compensation fund established pursuant to section 4141.47 of the 15695
Revised Code. The department shall also adopt guidelines and 15696
procedures limiting the purchase and loan of the items described 15697
in division (K) of this section to items that are in general use 15698
in the public schools of the state, that are incapable of 15699
diversion to religious use, and that are susceptible to individual 15700
use rather than classroom use. Within thirty days after the end of 15701
each biennium, each board of education shall remit to the 15702
department all moneys paid to it under division ~~(L)~~(I) of section 15703
3317.024 of the Revised Code and any interest earned on those 15704

moneys that are not required to pay expenses incurred under this 15705
section during the biennium for which the money was appropriated 15706
and during which the interest was earned. If a board of education 15707
subsequently determines that the remittal of moneys leaves the 15708
board with insufficient money to pay all valid expenses incurred 15709
under this section during the biennium for which the remitted 15710
money was appropriated, the board may apply to the department of 15711
education for a refund of money, not to exceed the amount of the 15712
insufficiency. If the department determines the expenses were 15713
lawfully incurred and would have been lawful expenditures of the 15714
refunded money, it shall certify its determination and the amount 15715
of the refund to be made to the director of job and family 15716
services who shall make a refund as provided in section 4141.47 of 15717
the Revised Code. 15718

Sec. 3317.07. The state board of education shall establish 15719
rules for the purpose of distributing subsidies for the purchase 15720
of school buses under division ~~(E)~~(D) of section 3317.024 of the 15721
Revised Code. 15722

No school bus subsidy payments shall be paid to any district 15723
unless such district can demonstrate that pupils residing more 15724
than one mile from the school could not be transported without 15725
such additional aid. 15726

The amount paid to a county MR/DD board for buses purchased 15727
for transportation of children in special education programs 15728
operated by the board shall be based on a per pupil allocation for 15729
eligible students. 15730

The amount paid to a school district for buses purchased for 15731
transportation of handicapped and nonpublic school pupils shall be 15732
determined by a per pupil allocation based on the number of 15733
special education and nonpublic school pupils for whom 15734
transportation is provided. 15735

The state board of education shall adopt a formula to 15736
determine the amount of payments that shall be distributed to 15737
school districts to purchase school buses for pupils other than 15738
handicapped or nonpublic school pupils. 15739

If any district or MR/DD board obtains bus services for pupil 15740
transportation pursuant to a contract, such district or board may 15741
use payments received under this section to defray the costs of 15742
contracting for bus services in lieu of for purchasing buses. 15743

If the department of education determines that a county MR/DD 15744
board no longer needs a school bus because the board no longer 15745
transports children to a special education program operated by the 15746
board, or if the department determines that a school district no 15747
longer needs a school bus to transport pupils to a nonpublic 15748
school or special education program, the department may reassign a 15749
bus that was funded with payments provided pursuant to this 15750
section for the purpose of transporting such pupils. The 15751
department may reassign a bus to a county MR/DD board or school 15752
district that transports children to a special education program 15753
designated in the children's individualized education plans, or to 15754
a school district that transports pupils to a nonpublic school, 15755
and needs an additional school bus. 15756

Sec. 3317.082. As used in this section, "institution" means a 15757
residential facility that receives and cares for children 15758
maintained by the department of youth services and that operates a 15759
school chartered by the state board of education under section 15760
3301.16 of the Revised Code. 15761

(A) On or before the thirty-first day of each January and 15762
July, the superintendent of each institution that during the 15763
six-month period immediately preceding each January or July 15764
provided an elementary or secondary education for any child, other 15765
than a child receiving special education under section 3323.091 of 15766

the Revised Code, shall prepare and submit to the department of
education, a statement for each such child indicating the child's
name, any school district responsible to pay tuition for the child
as determined by the superintendent in accordance with division
(C)(2) or (3) of section 3313.64 of the Revised Code, and the
period of time during that six-month period that the child
received an elementary or secondary education. If any school
district is responsible to pay tuition for any such child, the
department of education, no later than the immediately succeeding
last day of February or August, as applicable, shall calculate the
amount of the tuition of the district under section 3317.08 of the
Revised Code for the period of time indicated on the statement and
do one of the following:

(1) If the tuition amount is equal to or less than the amount
of state basic aid funds payable to the district under sections
3317.022 and 3317.023 of the Revised Code, pay to the institution
submitting the statement an amount equal to the tuition amount, as
provided under division ~~(Q)~~(M) of section 3317.024 of the Revised
Code, and deduct the tuition amount from the state basic aid funds
payable to the district, as provided under division (F)(2) of
section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the amount of state
basic aid funds payable to the district under sections 3317.022
and 3317.023 of the Revised Code, require the district to pay to
the institution submitting the statement an amount equal to the
tuition amount.

(B) In the case of any disagreement about the school district
responsible to pay tuition for a child pursuant to this section,
the superintendent of public instruction shall make the
determination in any such case in accordance with division (C)(2)
or (3) of section 3313.64 of the Revised Code.

Sec. 3317.11. (A) As used in this section: 15798

(1) "Client school district" means a city or exempted village 15799
school district that has entered into an agreement under section 15800
3313.843 of the Revised Code to receive any services from an 15801
educational service center. 15802

(2) "Service center ADM" means the sum of the total student 15803
counts of all local school districts within an educational service 15804
center's territory and all of the service center's client school 15805
districts. 15806

(3) "Total student count" has the same meaning as in section 15807
3301.011 of the Revised Code. 15808

(B)(1) The governing board of each educational service center 15809
shall provide supervisory services to each local school district 15810
within the service center's territory. Each city or exempted 15811
village school district that enters into an agreement under 15812
section 3313.843 of the Revised Code for a governing board to 15813
provide any services also is considered to be provided supervisory 15814
services by the governing board. Except as provided in division 15815
(B)(2) of this section, the supervisory services shall not exceed 15816
one supervisory teacher for the first fifty classroom teachers 15817
required to be employed in the districts, as calculated under 15818
section 3317.023 of the Revised Code, and one for each additional 15819
one hundred required classroom teachers, as so calculated. 15820

The supervisory services shall be financed annually through 15821
supervisory units. Except as provided in division (B)(2) of this 15822
section, the number of supervisory units assigned to each district 15823
shall not exceed one unit for the first fifty classroom teachers 15824
required to be employed in the district, as calculated under 15825
section 3317.023 of the Revised Code, and one for each additional 15826
one hundred required classroom teachers, as so calculated. The 15827

cost of each supervisory unit shall be the sum of: 15828

(a) The minimum salary prescribed by section 3317.13 of the 15829
Revised Code for the licensed supervisory employee of the 15830
governing board; 15831

(b) An amount equal to fifteen per cent of the salary 15832
prescribed by section 3317.13 of the Revised Code; 15833

(c) An allowance for necessary travel expenses, limited to 15834
the lesser of two hundred twenty-three dollars and sixteen cents 15835
per month or two thousand six hundred seventy-eight dollars per 15836
year. 15837

(2) If a majority of the boards of education, or 15838
superintendents acting on behalf of the boards, of the local and 15839
client school districts receiving services from the educational 15840
service center agree to receive additional supervisory services 15841
and to pay the cost of a corresponding number of supervisory units 15842
in excess of the services and units specified in division (B)(1) 15843
of this section, the service center shall provide the additional 15844
services as agreed to by the majority of districts to, and the 15845
department of education shall apportion the cost of the 15846
corresponding number of additional supervisory units pursuant to 15847
division (B)(3) of this section among, all of the service center's 15848
local and client school districts. 15849

(3) The department shall apportion the total cost for all 15850
supervisory units among the service center's local and client 15851
school districts based on each district's total student count. The 15852
department shall deduct each district's apportioned share pursuant 15853
to division (E) of section 3317.023 of the Revised Code and pay 15854
the apportioned share to the service center. 15855

(C) The department annually shall deduct from each local and 15856
client school district of each educational service center, 15857
pursuant to division (E) of section 3317.023 of the Revised Code, 15858

and pay to the service center an amount equal to six dollars and
fifty cents times the school district's total student count. The
board of education, or the superintendent acting on behalf of the
board, of any local or client school district may agree to pay an
amount in excess of six dollars and fifty cents per student in
total student count. If a majority of the boards of education, or
superintendents acting on behalf of the boards, of the local
school districts within a service center's territory approve an
amount in excess of six dollars and fifty cents per student in
total student count, the department shall deduct the approved
excess per student amount from all of the local school districts
within the service center's territory and pay the excess amount to
the service center.

(D) The department shall pay each educational service center
the amounts due to it from school districts pursuant to contracts,
compacts, or agreements under which the service center furnishes
services to the districts or their students. In order to receive
payment under this division, an educational service center shall
furnish either a copy of the contract, compact, or agreement
clearly indicating the amounts of the payments, or a written
statement that clearly indicates the payments owed and is signed
by the superintendent or treasurer of the responsible school
district. The amounts paid to service centers under this division
shall be deducted from payments to school districts pursuant to
division (K)(3) of section 3317.023 of the Revised Code.

(E) Each school district's deduction under this section and
divisions (E) and (K)(3) of section 3317.023 of the Revised Code
shall be made from the total payment computed for the district
under this chapter, after making any other adjustments in that
payment required by law.

(F)(1) Except as provided in division (F)(2) of this section,
the department annually shall pay the governing board of each

educational service center state funds equal to thirty-seven 15891
dollars times its service center ADM. 15892

(2) The department annually shall pay state funds equal to 15893
forty dollars and fifty-two cents times the service center ADM to 15894
each educational service center comprising territory that was 15895
included in the territory of at least three former service centers 15896
or county school districts, which former centers or districts 15897
engaged in one or more mergers under section 3311.053 of the 15898
Revised Code to form the present center. 15899

(G) Each city, exempted village, local, joint vocational, or 15900
cooperative education school district shall pay to the governing 15901
board of an educational service center any amounts agreed to for 15902
each child enrolled in the district who receives special education 15903
and related services or career-technical education from the 15904
educational service center, unless these educational services are 15905
provided pursuant to a contract, compact, or agreement for which 15906
the department deducts and transfers payments under division (D) 15907
of this section and division (K)(3) of section 3317.023 of the 15908
Revised Code. 15909

(H) An educational service center: 15910

(1) May provide special education and career-technical 15911
education to students in its local or client school districts; 15912

(2) Is eligible for transportation funding under division 15913
~~(J)~~(G) of section 3317.024 of the Revised Code and for state 15914
subsidies for the purchase of school buses under section 3317.07 15915
of the Revised Code; 15916

(3) May apply for and receive gifted education units and 15917
provide gifted education services to students in its local or 15918
client school districts; 15919

(4) May conduct driver education for high school students in 15920

accordance with Chapter 4508. of the Revised Code. 15921

Sec. 3317.19. (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following: 15922

(1) The total of the salary allowances for the teachers employed in the cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to ~~the effective date of this amendment~~ July 1, 2001. 15923

(2) Fifteen per cent of the total computed under division (A)(1) of this section; 15924

(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following: 15925

(a) Eight thousand twenty-three dollars times the number of preschool handicapped units or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code; 15926

(b) Two thousand one hundred thirty-two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code. 15927

(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following: 15928

(1) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (K) of section 3317.023 of the Revised Code; 15929

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(2) The total unit allowance; 15950

(3) An amount for assisting in providing free lunches to 15951
needy children and an amount for assisting needy school districts 15952
in purchasing necessary equipment for food preparation pursuant to 15953
division ~~(K)~~(H) of section 3317.024 of the Revised Code. 15954

(C) If a cooperative education school district has had 15955
additional special education units approved for the year under 15956
division (F)(2) of section 3317.03 of the Revised Code, the 15957
district shall receive an additional amount during the last half 15958
of the fiscal year. For each unit, the additional amount shall 15959
equal fifty per cent of the amount computed under division (A) of 15960
this section for a unit approved under division (B) of section 15961
3317.05 of the Revised Code. 15962

Sec. 3318.37. (A)(1) As used in this section: 15963

(a) "Large land area school district" means a school district 15964
with a territory of greater than three hundred square miles in any 15965
percentile as determined under section 3318.011 of the Revised 15966
Code. 15967

(b) "Low wealth school district" means a school district in 15968
the first through ~~fiftieth~~ seventy-fifth percentiles as determined 15969
under section 3318.011 of the Revised Code. 15970

(c) A "school district with an exceptional need for immediate 15971
classroom facilities assistance" means a low wealth or large land 15972
area school district with an exceptional need for new facilities 15973
in order to protect the health and safety of all or a portion of 15974
its students. 15975

(2) No school district reasonably expected to be eligible for 15976
state assistance under sections 3318.01 to 3318.20 of the Revised 15977
Code within three fiscal years after the year of the application 15978
for assistance under this section shall be eligible for assistance 15979

under this section, unless the district's entire classroom 15980
facilities plan consists of only a single building designed to 15981
house grades kindergarten through twelve and the district 15982
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 15983
of this section. 15984

(3) No school district that participates in the school 15985
building assistance expedited local partnership program under 15986
section 3318.36 of the Revised Code shall receive assistance under 15987
the program established under this section unless the following 15988
conditions are satisfied: 15989

(a) The district board adopted a resolution certifying its 15990
intent to participate in the school building assistance expedited 15991
local partnership program under section 3318.36 of the Revised 15992
Code prior to September 14, 2000. 15993

(b) The district was selected by the Ohio school facilities 15994
commission for participation in the school building assistance 15995
expedited local partnership program under section 3318.36 of the 15996
Revised Code in the manner prescribed by the commission under that 15997
section as it existed prior to September 14, 2000. 15998

(B)(1) There is hereby established the exceptional needs 15999
school facilities assistance program. Under the program, the Ohio 16000
school facilities commission may set aside from the moneys 16001
annually appropriated to it for classroom facilities assistance 16002
projects up to twenty-five per cent for assistance to school 16003
districts with exceptional needs for immediate classroom 16004
facilities assistance. 16005

(2)(a) After consulting with education and construction 16006
experts, the commission shall adopt guidelines for identifying 16007
school districts with an exceptional need for immediate classroom 16008
facilities assistance. 16009

(b) The guidelines shall include application forms and 16010

instructions for school districts to use in applying for 16011
assistance under this section. 16012

(3) The commission shall evaluate the classroom facilities, 16013
and the need for replacement classroom facilities from the 16014
applications received under this section. The commission, 16015
utilizing the guidelines adopted under division (B)(2)(a) of this 16016
section, shall prioritize the school districts to be assessed. 16017

Notwithstanding section 3318.02 of the Revised Code, the 16018
commission may conduct on-site evaluation of the school districts 16019
prioritized under this section and approve and award funds until 16020
such time as all funds set aside under division (B)(1) of this 16021
section have been encumbered. However, the commission need not 16022
conduct the evaluation of facilities if the commission determines 16023
that a district's assessment conducted under section 3318.36 of 16024
the Revised Code is sufficient for purposes of this section. 16025

(4) Notwithstanding division (A) of section 3318.05 of the 16026
Revised Code, the school district's portion of the basic project 16027
cost under this section shall be the "required percentage of the 16028
basic project costs," as defined in division (K) of section 16029
3318.01 of the Revised Code. 16030

(5) Except as otherwise specified in this section, any 16031
project undertaken with assistance under this section shall comply 16032
with all provisions of sections 3318.01 to 3318.20 of the Revised 16033
Code. A school district may receive assistance under sections 16034
3318.01 to 3318.20 of the Revised Code for the remainder of the 16035
district's classroom facilities needs as assessed under this 16036
section when the district is eligible for such assistance pursuant 16037
to section 3318.02 of the Revised Code, but any classroom facility 16038
constructed with assistance under this section shall not be 16039
included in a district's project at that time unless the 16040
commission determines the district has experienced the increased 16041

enrollment specified in division (B)(1) of section 3318.04 of the Revised Code. 16042
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(C) No school district shall receive assistance under this section for a classroom facility that has been included in the discrete part of the district's classroom facilities needs identified and addressed in the district's project pursuant to an agreement entered into under section 3318.36 of the Revised Code, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve. 16044
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Sec. 3319.17. (A) As used in this section, "interdistrict contract" means any contract or agreement entered into by an educational service center governing board and another board or other public entity pursuant to section 3313.17, 3313.841, 3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, including any such contract or agreement for the provision of services funded under division ~~(H)~~(I) of section 3317.024 of the Revised Code or provided in any unit approved under section 3317.05 of the Revised Code. 16052
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(B) When, for any of the following reasons that apply to any city, exempted village, local, or joint vocational school district or any educational service center, the board decides that it will be necessary to reduce the number of teachers it employs, it may make a reasonable reduction: 16061
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(1) In the case of any district or service center, return to duty of regular teachers after leaves of absence including leaves provided pursuant to division (B) of section 3314.10 of the Revised Code, suspension of schools, territorial changes affecting the district or center, or financial reasons; 16066
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(2) In the case of any city, exempted village, local, or 16071

joint vocational school district, decreased enrollment of pupils 16072
in the district; 16073

(3) In the case of any governing board of a service center 16074
providing any particular service directly to pupils pursuant to 16075
one or more interdistrict contracts requiring such service, 16076
reduction in the total number of pupils the governing board is 16077
required to provide with the service under all interdistrict 16078
contracts as a result of the termination or nonrenewal of one or 16079
more of these interdistrict contracts; 16080

(4) In the case of any governing board providing any 16081
particular service that it does not provide directly to pupils 16082
pursuant to one or more interdistrict contracts requiring such 16083
service, reduction in the total level of the service the governing 16084
board is required to provide under all interdistrict contracts as 16085
a result of the termination or nonrenewal of one or more of these 16086
interdistrict contracts. 16087

(C) In making any such reduction, any city, exempted village, 16088
local, or joint vocational school board shall proceed to suspend 16089
contracts in accordance with the recommendation of the 16090
superintendent of schools who shall, within each teaching field 16091
affected, give preference first to teachers on continuing 16092
contracts and then to teachers who have greater seniority. In 16093
making any such reduction, any governing board of a service center 16094
shall proceed to suspend contracts in accordance with the 16095
recommendation of the superintendent who shall, within each 16096
teaching field or service area affected, give preference first to 16097
teachers on continuing contracts and then to teachers who have 16098
greater seniority. 16099

On a case-by-case basis, in lieu of suspending a contract in 16100
whole, a board may suspend a contract in part, so that an 16101
individual is required to work a percentage of the time the 16102

employee otherwise is required to work under the contract and 16103
receives a commensurate percentage of the full compensation the 16104
employee otherwise would receive under the contract. 16105

The teachers whose continuing contracts are suspended by any 16106
board pursuant to this section shall have the right of restoration 16107
to continuing service status by that board in the order of 16108
seniority of service in the district or service center if and when 16109
teaching positions become vacant or are created for which any of 16110
such teachers are or become qualified. No teacher whose continuing 16111
contract has been suspended pursuant to this section shall lose 16112
that right of restoration to continuing service status by reason 16113
of having declined recall to a position that is less than 16114
full-time or, if the teacher was not employed full-time just prior 16115
to suspension of the teacher's continuing contract, to a position 16116
requiring a lesser percentage of full-time employment than the 16117
position the teacher last held while employed in the district or 16118
service center. 16119

(D) Notwithstanding any provision to the contrary in Chapter 16120
4117. of the Revised Code, the requirements of this section 16121
prevail over any conflicting provisions of agreements between 16122
employee organizations and public employers entered into after ~~the~~ 16123
~~effective date of this amendment~~ September 29, 2005. 16124

Sec. 3323.13. (A) If a child who is a school resident of one 16125
school district receives special education from another district, 16126
the board of education of the district providing the education, 16127
subject to division (C) of this section, may require the payment 16128
by the board of education of the district of residence of a sum 16129
not to exceed one of the following, as applicable: 16130

~~(A)~~(1) For any child except a handicapped preschool child 16131
described in division ~~(B)~~(A)(2) of this section, the tuition of 16132
the district providing the education for a child of normal needs 16133

of the same school grade. The determination of the amount of such 16134
tuition shall be in the manner provided for by division (A) of 16135
section 3317.08 of the Revised Code. 16136

~~(B)(2)~~ For any handicapped preschool child not included in a 16137
unit approved under division (B) of section 3317.05 of the Revised 16138
Code, the tuition of the district providing the education for the 16139
child as calculated under division (B) of section 3317.08 of the 16140
Revised Code. 16141

(B) The board of the district of residence may contract with 16142
the board of another district for the transportation of such child 16143
into any school in such other district, on terms agreed upon by 16144
such boards. Upon direction of the state board of education, the 16145
board of the district of residence shall pay for the child's 16146
transportation and the tuition. 16147

(C) The board of education of a district providing the 16148
education for a child shall be entitled to require payment from 16149
the district of residence under this section or section 3323.14 of 16150
the Revised Code only if the district providing the education has 16151
done at least one of the following: 16152

(1) Invited the district of residence to send representatives 16153
to attend the meetings of the team developing the child's 16154
individualized education program; 16155

(2) Received from the district of residence a copy of the 16156
individualized education program or a multi-factored evaluation 16157
developed for the child by the district of residence; 16158

(3) Informed the district of residence in writing that the 16159
district is providing the education for the child. 16160

As used in division (C)(2) of this section, "multi-factored 16161
evaluation" means an evaluation, conducted by a multi-disciplinary 16162
team, of more than one area of the child's functioning so that no 16163
single procedure shall be the sole criterion for determining an 16164

appropriate educational program placement for the child.

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Sec. 3323.143. If a handicapped child's custodial parent has made a unilateral placement of the child, the parent shall be responsible for payment of tuition to the program or facility the child is attending as a result of that placement as long as the district of residence has offered a free appropriate public education to that child. As used in this section, "unilateral placement" means withdrawing a handicapped child from a program or facility operated by the district of residence or from a program or facility with which the district of residence has arranged for education of the child and instead enrolling that child in another program or facility that is not a home, as defined in section 3313.64 of the Revised Code, or that is not a facility or program available to the child pursuant to an open enrollment policy under section 3313.98 or 3313.983 of the Revised Code.

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Sec. 3325.12. Money deposited with the superintendent of the state school for the blind and the superintendent of the state school for the deaf by parents, relatives, guardians, and friends for the special benefit of any pupil shall remain in the hands of the respective superintendent for use accordingly. Each superintendent shall deposit the money into one or more personal deposit funds. Each superintendent shall keep itemized book accounts of the receipt and disposition of the money, which books shall be open at all times to the inspection of the superintendent of public instruction. The superintendent of the state school for the blind and the superintendent of the state school for the deaf each shall adopt rules governing the deposit, transfer, withdrawal, or investment of the money and the investment earnings of the money.

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Whenever a pupil ceases to be enrolled in the state school

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for the blind or the state school for the deaf, if personal money 16195
of the pupil remains in the hands of the respective superintendent 16196
and no demand is made upon the superintendent by the pupil or the 16197
pupil's parent or guardian, the superintendent shall hold the 16198
money in a personal deposit fund for a period of at least one 16199
year. During that time, the superintendent shall make every effort 16200
possible to locate the pupil or the pupil's parent or guardian. 16201
If, at the end of this period, no demand has been made for the 16202
money held by the state school for the blind, the superintendent 16203
of the state school for the blind shall dispose of the money by 16204
transferring it to the state school for the blind student activity 16205
and work-study fund established by section 3325.11 of the Revised 16206
Code. If at the end of this period, no demand has been made for 16207
the money held by the state school for the deaf, the 16208
superintendent of the state school for the deaf shall dispose of 16209
the money by transferring it to the state school for the deaf 16210
educational program expenses fund established by section 3325.16 16211
of the Revised Code. 16212

Sec. 3345.05. (A) All registration fees, nonresident tuition 16213
fees, academic fees for the support of off-campus instruction, 16214
laboratory and course fees when so assessed and collected, student 16215
health fees for the support of a student health service, all other 16216
fees, deposits, charges, receipts, and income from all or part of 16217
the students, all subsidy or other payments from state 16218
appropriations, and all other fees, deposits, charges, receipts, 16219
and income received by each ~~state-supported university and college~~ 16220
state institution of higher education, as defined in section 16221
3345.011 of the Revised Code, the Ohio state university hospitals 16222
and their ancillary facilities, the Ohio agricultural research and 16223
development center, and the Ohio state university cooperative 16224
extension service shall be held and administered by the respective 16225
boards of trustees of the ~~state-supported universities and~~ 16226

~~colleges~~ state institutions of higher education; provided, that 16227
such fees, deposits, charges, receipts, and income, to the extent 16228
required by resolutions, trust agreements, indentures, leases, and 16229
agreements adopted, made, or entered into under Chapter 154. or 16230
section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 16231
held, administered, transferred, and applied in accordance 16232
therewith. 16233

(B) The Ohio board of regents shall require annual reporting 16234
by the Ohio agricultural research and development center and by 16235
each ~~university and college~~ state institution of higher education 16236
receiving state aid in such form and detail as determined by the 16237
board in consultation with such center, ~~universities and colleges~~ 16238
institutions, and the director of budget and management. 16239

(C) Notwithstanding any provision of the Revised Code to the 16240
contrary, the title to investments made by the board of trustees 16241
of a ~~state supported university or college~~ state institution of 16242
higher education with funds derived from revenues described in 16243
division (A) of this section shall not be vested in the state but 16244
shall be held in trust by the board. Such investments shall be 16245
made pursuant to an investment policy adopted by the board in 16246
public session that requires all fiduciaries to discharge their 16247
duties with the care, skill, prudence, and diligence under the 16248
circumstances then prevailing that a prudent person acting in like 16249
capacity and familiar with such matters would use in the conduct 16250
of an enterprise of a like character and with like aims. The 16251
policy also shall require at least the following: 16252

(1) A stipulation that investment be made only in publicly 16253
traded securities averaging at least twenty-five per cent of the 16254
average amount of the investment portfolio over the course of the 16255
previous fiscal year invested in securities of the United States 16256
government or of its agencies or instrumentalities, the treasurer 16257
of state's pooled investment program, obligations of this state or 16258

any political subdivision of this state, certificates of deposit 16259
of any national bank located in this state, written repurchase 16260
agreements with any eligible Ohio financial institution that is a 16261
member of the federal reserve system or federal home loan bank, 16262
money market funds, or bankers acceptances maturing in two hundred 16263
seventy days or less which are eligible for purchase by the 16264
federal reserve system, as a reserve; 16265

(2) The establishment of an investment committee. 16266

(D) The investment committee established under division 16267
(C)(2) of this section shall meet at least quarterly. The 16268
committee shall review and recommend revisions to the board's 16269
investment policy and shall advise the board on its investments 16270
made under division (C) of this section in an effort to assist it 16271
in meeting its obligations as a fiduciary as described in division 16272
(C) of this section. The committee shall be authorized to retain 16273
the services of an investment advisor who meets both of the 16274
following qualifications: 16275

(1) The advisor is either: 16276

(a) Licensed by the division of securities under section 16277
1707.141 of the Revised Code; 16278

(b) Registered with the securities and exchange commission. 16279

(2) The advisor either: 16280

(a) Has experience in the management of investments of public 16281
funds, especially in the investment of state-government investment 16282
portfolios; 16283

(b) Is an eligible institution referenced in section 135.03 16284
of the Revised Code. 16285

Sec. 3353.02. (A) There is hereby created the eTech Ohio 16286
commission as an independent agency to advance education and 16287

accelerate the learning of the citizens of this state through 16288
technology. The commission shall provide leadership and support in 16289
extending the knowledge of the citizens of this state by promoting 16290
access to and use of all forms of educational technology, 16291
including educational television and radio, radio reading 16292
services, broadband networks, videotapes, compact discs, digital 16293
video on demand (DVD), and the internet. The commission also shall 16294
administer programs to provide financial and other assistance to 16295
school districts and other educational institutions for the 16296
acquisition and utilization of educational technology. 16297

The commission is a body corporate and politic, an agency of 16298
the state performing essential governmental functions of the 16299
state. 16300

(B) The commission shall consist of thirteen members, nine of 16301
whom shall be voting members. Six of the voting members shall be 16302
representatives of the public. Of the representatives of the 16303
public, four shall be appointed by the governor with the advice 16304
and consent of the senate, one shall be appointed by the speaker 16305
of the house of representatives, and one shall be appointed by the 16306
president of the senate. The superintendent of public instruction 16307
or a designee of the superintendent, the chancellor of the Ohio 16308
board of regents or a designee of the chancellor, and the director 16309
of ~~administrative services~~ the office of information technology or 16310
a designee of the director shall be ex officio voting members. Of 16311
the nonvoting members, two shall be members of the house of 16312
representatives appointed by the speaker of the house of 16313
representatives and two shall be members of the senate appointed 16314
by the president of the senate. The members appointed from each 16315
chamber shall not be members of the same political party. 16316

(C) Initial terms of office for members appointed by the 16317
governor shall be one year for one member, two years for one 16318

member, three years for one member, and four years for one member. 16319
At the first meeting of the commission, members appointed by the 16320
governor shall draw lots to determine the length of the term each 16321
member will serve. Thereafter, terms of office for members 16322
appointed by the governor shall be for four years. Terms of office 16323
for voting members appointed by the speaker of the house of 16324
representatives and the president of the senate shall be for four 16325
years. Any member who is a representative of the public may be 16326
reappointed by the member's respective appointing authority, but 16327
no such member may serve more than two consecutive four-year 16328
terms. Such a member may be removed by the member's respective 16329
appointing authority for cause. 16330

Any legislative member appointed by the speaker of the house 16331
of representatives or the president of the senate who ceases to be 16332
a member of the legislative chamber from which the member was 16333
appointed shall cease to be a member of the commission. The 16334
speaker of the house of representatives and the president of the 16335
senate may remove their respective appointments to the commission 16336
at any time. 16337

(D) Vacancies among appointed members shall be filled in the 16338
manner provided for original appointments. Any member appointed to 16339
fill a vacancy occurring prior to the expiration of the term for 16340
which the member's predecessor was appointed shall hold office for 16341
the remainder of that term. Any appointed member shall continue in 16342
office subsequent to the expiration of that member's term until 16343
the member's successor takes office or until a period of sixty 16344
days has elapsed, whichever occurs first. 16345

(E) Members of the commission shall serve without 16346
compensation. The members who are representatives of the public 16347
shall be reimbursed, pursuant to office of budget and management 16348
guidelines, for actual and necessary expenses incurred in the 16349
performance of official duties. 16350

(F) The governor shall appoint the chairperson of the 16351
commission from among the commission's voting members. The 16352
chairperson shall serve a term of two years and may be 16353
reappointed. The commission shall elect other officers as 16354
necessary from among its voting members and shall prescribe its 16355
rules of procedure. 16356

(G) The commission shall establish advisory groups as needed 16357
to address topics of interest and to provide guidance to the 16358
commission regarding educational technology issues and the 16359
technology needs of educators, learners, and the public. Members 16360
of each advisory group shall be appointed by the commission and 16361
shall include representatives of individuals or organizations with 16362
an interest in the topic addressed by the advisory group. 16363

Sec. 3354.10. (A) All funds under the control of a board of 16364
trustees of a community college district, regardless of the source 16365
thereof, may be deposited by such board to its credit in banks or 16366
trust companies designated by it. Such banks or trust companies 16367
shall furnish security for every such deposit to the extent and in 16368
the manner provided in section 135.18 of the Revised Code, but no 16369
such deposit shall otherwise be subject to sections 135.01 to 16370
135.21 of the Revised Code. Thereupon, such funds may be disbursed 16371
by the board of trustees for the uses and purposes of such 16372
district. No contract of the board involving the expenditure of 16373
money shall become effective until there is placed thereon by the 16374
treasurer as fiscal officer of the district the certificate 16375
provided for by section 5705.41 of the Revised Code. 16376

(B) The board of trustees of a community college district may 16377
~~by resolution provide that moneys of such district be invested in~~ 16378
~~obligations of such district, in bonds or other obligations of the~~ 16379
~~United States or those for which the payment of principal and~~ 16380
~~interest of which the faith of the United States is pledged, bonds~~ 16381

~~issued by the home owners' loan corporation pursuant to the "Home Owners Loan Act of 1933," 48 Stat. 128, 12 U.S.C. 1461, and any amendments thereto, bonds of the state, and bonds of any municipal corporation, village, county, township, or other political subdivision of the state as to which there is no default of principal, interest, or coupons. Such investments shall not be made at a price in excess of the current market value of such bonds or other interest bearing obligations. The board of trustees may by resolution sell such bonds or other interest bearing obligations for cash and for a sum not less than their current market price provide for the investment of district funds according to the provisions of section 3345.05 of the Revised Code.~~

(C) Any community college district is subject to audit by the auditor of state, who shall furnish to the county or counties which created the district a copy of the audit report.

Sec. 3355.07. The board of trustees of a university branch district may, ~~by resolution, provide that moneys of such district be invested in obligations of such district, in bonds or other obligations of the United States or those for which the payment of principal and interest of which the faith of the United States is pledged, bonds issued by the home owners' loan corporation, pursuant to "Home Owners Loan Act of 1933," 48 Stat. 128, 12 U.S.C. 1461, and any amendments thereto, bonds of the state, and bonds of any municipal corporation, village, county, township, or other political subdivision of the state as to which there is no default of principal, interest, or coupons. Such investments shall not be made at a price in excess of the current market value of such bonds or other interest bearing obligations. The board of trustees may, by resolution, sell such bonds or other interest bearing obligations for cash and for a sum not less than their current market price provide for the investment of district~~

funds according to the provisions of section 3345.05 of the 16414
Revised Code. 16415

The managing authority of the university branch district may 16416
select a depository for the funds of a district, in the manner 16417
provided in sections 135.01 to 135.21, inclusive, of the Revised 16418
Code, upon the adoption of a resolution declaring such intent, 16419
which resolution shall be certified to the board of county 16420
commissioners and to the treasurer in the counties in which such 16421
district is located. In such event the board of trustees shall 16422
thereupon become the governing board for such district with 16423
respect to the deposit of funds of such district. 16424

Sec. 3357.10. (A) The board of trustees of a technical 16425
college district shall elect a treasurer, who is not a member of 16426
the board, to serve at its pleasure. The treasurer may be the 16427
person serving as secretary under section 3357.06 of the Revised 16428
Code. The treasurer shall be the fiscal officer of the district 16429
and shall receive and disburse all funds of the district under the 16430
direction of the board. No contract of the board involving the 16431
expenditure of money shall become effective until the treasurer 16432
certifies that there are funds of the board otherwise 16433
unappropriated sufficient to provide therefor. 16434

When the treasurer of the district ceases to hold such 16435
office, the treasurer or the treasurer's legal representatives 16436
shall deliver to the board or to the treasurer's successor all 16437
moneys, books, papers, and other property of the district in the 16438
treasurer's possession as treasurer. In case of the death or 16439
incapacity of the treasurer, the treasurer's legal representatives 16440
shall, in like manner, deliver all moneys, books, papers, and 16441
other property of the district to the board or to the person named 16442
as the treasurer's successor. 16443

(B) All funds under the control of a board of trustees of a 16444

technical college district, regardless of the source of the funds, 16445
may be deposited by the board to its credit in banks or trust 16446
companies designated by it. The banks or trust companies shall 16447
furnish security for every deposit to the extent and in the manner 16448
provided in section 135.18 of the Revised Code, but no deposit 16449
shall otherwise be subject to sections 135.01 to 135.21 of the 16450
Revised Code. Funds deposited in a bank or trust company may be 16451
disbursed by the board of trustees for the uses and purposes of 16452
the district. 16453

(C) The board may provide for the investment of district 16454
funds according to the provisions of section 3345.05 of the 16455
Revised Code. 16456

Sec. 3358.06. (A) The treasurer of each state community 16457
college district shall be its fiscal officer, and ~~he~~ the treasurer 16458
shall receive and disburse all funds under the direction of the 16459
college president. No contract of the college's board of trustees 16460
involving the expenditure of money shall become effective until 16461
the treasurer certifies that there are funds of the board 16462
otherwise uncommitted and sufficient to provide therefor. 16463

When the treasurer ceases to hold the office, ~~he~~ the 16464
treasurer or ~~his~~ the treasurer's legal representative shall 16465
deliver to ~~his~~ the treasurer's successor or the president all 16466
moneys, books, papers, and other property of the college. 16467

Before entering upon the discharge of ~~his~~ official duties, 16468
the treasurer shall give bond to the state for the faithful 16469
performance of ~~his~~ official duties and the proper accounting for 16470
all moneys coming into ~~his~~ the treasurer's care. The amount of the 16471
bond shall be determined by the board but shall not be for a sum 16472
less than the estimated amount that may come into ~~his~~ the 16473
treasurer's control at any time. The bond shall be approved by the 16474
attorney general. 16475

(B) The board of trustees may provide for the investment of 16476
district funds according to the provisions of section 3345.05 of 16477
the Revised Code. 16478

Sec. 3365.02. There is hereby established the post-secondary 16479
enrollment options program under which a secondary grade student 16480
who is a resident of this state may enroll at a college, on a 16481
full- or part-time basis, and complete nonsectarian courses for 16482
high school and college credit. 16483

Secondary grade students in a nonpublic school may 16484
participate in the post-secondary enrollment options program if 16485
the chief administrator of such school notifies the department of 16486
education by the first day of April prior to the school year in 16487
which the school's students will participate. 16488

The state board of education, after consulting with the board 16489
of regents, shall adopt rules governing the program. The rules 16490
shall include: 16491

(A) Requirements for school districts, community schools, or 16492
participating nonpublic schools to provide information about the 16493
program prior to the first day of March of each year to all 16494
students enrolled in grades eight through eleven; 16495

(B) A requirement that a student or the student's parent 16496
inform the district board of education, the governing authority of 16497
a community school, or the nonpublic school administrator by the 16498
thirtieth day of March of the student's intent to participate in 16499
the program during the following school year. The rule shall 16500
provide that any student who fails to notify a district board, the 16501
governing authority of a community school, or the nonpublic school 16502
administrator by the required date may not participate in the 16503
program during the following school year without the written 16504
consent of the district superintendent, the governing authority of 16505

a community school, or the nonpublic school administrator. 16506

(C) Requirements that school districts and community schools 16507
provide counseling services to students in grades eight through 16508
eleven and to their parents before the students participate in the 16509
program under this chapter to ensure that students and parents are 16510
fully aware of the possible risks and consequences of 16511
participation. Counseling information shall include without 16512
limitation: 16513

(1) Program eligibility; 16514

(2) The process for granting academic credits; 16515

(3) Financial arrangements for tuition, books, materials, and 16516
fees; 16517

(4) Criteria for any transportation aid; 16518

(5) Available support services; 16519

(6) Scheduling; 16520

(7) The consequences of failing or not completing a course in 16521
which the student enrolls and the effect of the grade attained in 16522
the course being included in the student's grade point average, if 16523
applicable; 16524

(8) The effect of program participation on the student's 16525
ability to complete the district's, community school's, or 16526
nonpublic school's graduation requirements; 16527

(9) The academic and social responsibilities of students and 16528
parents under the program; 16529

(10) Information about and encouragement to use the 16530
counseling services of the college in which the student intends to 16531
enroll. 16532

(D) A requirement that the student and the student's parent 16533
sign a form, provided by the school district or school, stating 16534

that they have received the counseling required by division (C) of
this section and that they understand the responsibilities they
must assume in the program;

(E) The options required by section 3365.04 of the Revised
Code;

(F) A requirement that a student may not enroll in any
specific college course through the program if the student has
taken high school courses in the same subject area as that college
course and has failed to attain a cumulative grade point average
of at least 3.0 on a 4.0 scale, or the equivalent, in such
completed high school courses;

~~(G) A requirement that a student or the student's parent will
reimburse the state for the amount of state funds paid to a
college for a course in which the student is enrolled under this
chapter if the student does not attain a passing final grade in
that course.~~

Sec. 3365.11. (A) If the superintendent of the school
district or the chief administrator of the community school in
which a participant is enrolled determines that the participant
has not attained a passing final grade in a college course in
which the participant enrolled under this chapter, the
superintendent or chief administrator shall seek reimbursement
from the participant or the participant's parent for the amount of
state funds paid to the college on behalf of the participant for
that college course. The board of education of the school district
or the governing authority of the community school, in accordance
with division (C) of section 3313.642 of the Revised Code, may
withhold grades and credits received by the participant for
district or community school courses taken by the participant
until the participant or the participant's parent provides
reimbursement.

(B) If the chief administrator of the nonpublic school in which a participant is enrolled determines that the participant has not attained a passing final grade in a college course in which the participant enrolled under this chapter, the chief administrator shall seek reimbursement from the participant or the participant's parent for the amount of state funds paid to the college on behalf of the participant for enrollment in that college course. Upon the collection of any funds from a participant or participant's parent under this division, the chief administrator of a nonpublic school shall send an amount equal to the funds collected to the superintendent of public instruction. The superintendent of public instruction shall credit that amount to the general revenue fund.

Sec. 3375.121. (A) In any municipal corporation, not located in a county library district, which has a population of not less than twenty-five thousand, and within which there is not located a main library of a township, municipal, school district, association, or county free public library, a library district may be created by a resolution adopted by the legislative authority of ~~such that~~ municipal corporation. No such resolution shall be adopted after one year from June 20, 1977. Upon the adoption of such a resolution, any branches of an existing library ~~which that~~ are located in ~~such that~~ municipal corporation shall become the property of the municipal library district created.

The municipal corporation and the board of trustees of the public library maintaining any existing branches in ~~such that~~ municipal corporation shall forthwith take appropriate action transferring all title and interest in all ~~property, both~~ real and personal, property located in ~~such that~~ municipal corporation in the name of the library district maintaining ~~such those~~ branches in ~~such that~~ municipal corporation to the municipal corporation

adopting the appropriate resolution. Upon transfer of ~~such~~ all 16597
title and interest in ~~such that~~ property they, the branches shall 16598
become a part of, and be operated by, the board of library 16599
trustees appointed by the mayor. 16600

(B) In any municipal corporation ~~which that~~ has a population 16601
of less than twenty-five thousand and ~~which that~~ has not less than 16602
one hundred thousand dollars available from a bequest for the 16603
establishment of a municipal library, the legislative authority of 16604
~~such that~~ municipal corporation may adopt, within one year after 16605
June 20, 1977, a resolution creating a library district. Upon the 16606
establishment of any such library district, the board of trustees 16607
of any library operating a branch library in ~~such that~~ municipal 16608
corporation shall not be required to transfer any property to the 16609
newly established library. 16610

(C) The board of library trustees of any library district 16611
created under this section shall be composed of six members. ~~Such~~ 16612
Those trustees shall be appointed by the mayor, to serve without 16613
compensation, for a term of four years. In the first instance, 16614
three of ~~such those~~ trustees shall be appointed for a term of two 16615
years, and three of them shall be appointed for a term of four 16616
years. Vacancies shall be filled by like appointment for the 16617
unexpired term. A library district created under this section 16618
shall be governed in accordance with and exercise ~~such the~~ 16619
authority ~~as~~ provided for in sections 3375.32 to 3375.41 of the 16620
Revised Code. 16621

Notwithstanding any contrary provision of section 3.24 of the 16622
Revised Code, the president of a board of township trustees may 16623
administer the oath of office to a person or persons representing 16624
the township on the board of library trustees of any library 16625
district created under this section, even if the geographical 16626
limits of the library district do not fall within the geographical 16627
limits of the township. 16628

(D) Any library district created under this section is 16629
eligible to participate in the proceeds of the county library and 16630
local government support fund in accordance with section 5705.28 16631
of the Revised Code. 16632

(E) A municipal corporation may establish and operate a free 16633
public library regardless of whether the municipal corporation is 16634
located in a county library district or school library district, 16635
if all of the following conditions are met: 16636

(1) The facility in which the library is principally located 16637
is transferred to the municipal corporation from the county 16638
library district or school library district in which it is located 16639
prior to January 1, 1996+. 16640

(2) The population of the municipal corporation is less than 16641
five hundred when the library is transferred from the county 16642
library district or school library district to the municipal 16643
corporation+. 16644

(3) The municipal corporation does not establish a municipal 16645
library district under this section+. 16646

(4) The library does not receive any proceeds from the county 16647
library and local government support fund under section 5747.48 of 16648
the Revised Code. 16649

Sec. 3381.07. Upon the creation of a regional arts and 16650
cultural district and upon the qualifying of its board of trustees 16651
and the election of a president and a vice-president, the district 16652
shall exercise in its own name all the rights, powers, and duties 16653
vested in and conferred upon it by this chapter. A regional arts 16654
and cultural district: 16655

(A) May sue or be sued in its corporate name; 16656

(B) May make contracts in the exercise of the rights, powers, 16657
and duties conferred upon it; 16658

(C) May adopt and alter a seal and use that seal by causing 16659
it to be impressed, affixed, reproduced, or otherwise used, but 16660
failure to affix the seal shall not affect the validity of any 16661
instrument; 16662

(D) May make, adopt, amend, and repeal bylaws for the 16663
administration of its affairs and rules for the administration and 16664
operation of any artistic or cultural facilities under its control 16665
and for the exercise of all of its rights of ownership in those 16666
facilities, provided, however, that it may not be directly 16667
involved in any ~~programatic~~ programmatic activities; 16668

(E) May make grants, on such terms and conditions as it may 16669
deem advisable, to any arts or cultural organization within its 16670
district as provided in section 3381.17 of the Revised Code; 16671

(F) May fix, alter, and collect rentals and other charges for 16672
the use of any artistic or cultural facilities under its control, 16673
to be determined exclusively by it for the purpose of providing 16674
for the payment of the expenses of the district, the acquisition, 16675
construction, equipping, improvement, extension, repair, 16676
maintenance, renovation, enlargement, administration, and 16677
operation of artistic or cultural facilities under its control, 16678
and the payment of principal and interest on its obligations, and 16679
fulfilling the terms of any agreements made with the purchasers or 16680
holders of any such obligations, or with any person or political 16681
subdivision; 16682

(G) Shall have jurisdiction, control, possession, and 16683
supervision over the use and disposition of all property, rights, 16684
licenses, moneys, contracts, accounts, liens, books, records, or 16685
other property rights and interests conveyed, delivered, 16686
transferred, or assigned to it; 16687

(H) May acquire, construct, improve, extend, repair, remodel, 16688
renovate, furnish, equip, enlarge, lease, or maintain artistic or 16689

cultural facilities within its territory as it considers necessary 16690
to accomplish the purposes of this chapter, and make charges for 16691
the use of artistic or cultural facilities; 16692

(I) May levy and collect taxes as provided in section 3381.16 16693
of the Revised Code or, if applicable, sections 5743.021 and 16694
5743.321 of the Revised Code; 16695

(J) May issue bonds secured by its general credit as provided 16696
in section 3381.08 of the Revised Code; 16697

(K) May hold, encumber, control, acquire by donation, 16698
purchase, construct, own, lease as lessee or lessor, use, and sell 16699
real and personal property, or any interest or right in real or 16700
personal property, within or without its territory; 16701

(L) May employ or retain and fix the compensation of 16702
employees, agents, accountants, attorneys, and consultants or 16703
advisors necessary or desirable for the accomplishment of its 16704
purposes; 16705

(M) May procure insurance against loss to it by reason of 16706
damages to its properties resulting from fire, theft, accident, or 16707
other casualties or by reason of its liability for any damages to 16708
persons or property; 16709

(N) May maintain funds as it determines necessary or 16710
desirable for the efficient performance of its duties; 16711

(O) May procure a policy or policies insuring members of its 16712
board of trustees, and its officers, employees, and agents, 16713
against liability on account of damages or injury to persons and 16714
property resulting from any act or omission of such person in the 16715
person's official capacity or resulting solely out of the person's 16716
service to the district; 16717

(P) May receive and expend gifts, grants, bequests, or 16718
devices, or grants, including, but not limited to, grants of 16719

public funds.

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Sec. 3381.15. ~~(A)~~ The board of county commissioners of any county, the legislative authority of any municipal corporation, and the board of township trustees of any township, included within a regional arts and cultural district may appropriate annually, from moneys to the credit of the general fund of the county, the municipal corporation, or the township and not otherwise appropriated, that portion of the expense of the district to be paid by the county, municipal corporation, or township as provided in the resolution creating or enlarging the district adopted under section 3381.03 of the Revised Code, or by any amendment to the resolution.

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~~(B) In addition to the authority granted to a board of county commissioners under division (A) of this section, a board of county commissioners in a county with a population of one million two hundred thousand or more may establish and provide local funding options for the support of arts and cultural organizations operating within the regional arts and cultural district in which the county is included.~~

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Sec. 3381.17. From the funds available therefor from a tax levy authorized under section 3381.16 or, if applicable, sections 5743.021 and 5743.321 of the Revised Code, a regional arts and cultural district by action of its board of trustees shall make annual grants to support the operating or capital expenses of such of the arts or cultural organizations located within the territory of the district as the board of trustees shall determine; provided, however, that not more than ten per cent of the amount granted in any calendar year shall be granted to arts and cultural organizations that are not qualifying arts or cultural organizations; and further provided that prior to making any

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grants in any calendar year, the board of trustees shall afford an 16750
opportunity for the presentation, either in person or in writing, 16751
of the suggestions of any area arts council, as defined in section 16752
757.03 of the Revised Code, located within the district. Any such 16753
grant to an arts or cultural organization shall be on such terms 16754
and conditions as the board considers advisable. 16755

Sec. 3517.152. (A)(1) There is hereby created the Ohio 16756
elections commission consisting of seven members. 16757

Not later than forty-five days after August 24, 1995, the 16758
speaker of the house of representatives and the leader in the 16759
senate of the political party of which the speaker is a member 16760
shall jointly submit to the governor a list of five persons who 16761
are affiliated with that political party. Not later than 16762
forty-five days after August 24, 1995, the two legislative leaders 16763
in the two houses of the general assembly of the major political 16764
party of which the speaker is not a member shall jointly submit to 16765
the governor a list of five persons who are affiliated with the 16766
major political party of which the speaker is not a member. Not 16767
later than fifteen days after receiving each list, the governor 16768
shall appoint three persons from each list to the commission. The 16769
governor shall appoint one person from each list to a term that 16770
ends on December 31, 1996, one person from each list to a term 16771
that ends on December 31, 1997, and one person from each list to a 16772
term that ends on December 31, 1998. 16773

Not later than thirty days after the governor appoints these 16774
six members, they shall, by a majority vote, appoint to the 16775
commission a seventh member, who shall not be affiliated with a 16776
political party. If the six members fail to appoint the seventh 16777
member within this thirty-day period, the chief justice of the 16778
supreme court, not later than thirty days after the end of the 16779
period during which the six members were required to appoint a 16780

member, shall appoint the seventh member, who shall not be 16781
affiliated with a political party. The seventh member shall be 16782
appointed to a term that ends on December 31, 2001. Terms of the 16783
initial members appointed under this division begin on January 1, 16784
1996. 16785

(2) If a vacancy occurs in the position of the seventh 16786
member, who is not affiliated with a political party, the six 16787
remaining members by a majority vote shall appoint, not later than 16788
forty-five days after the date of the vacancy, the seventh member 16789
of the commission, who shall not be affiliated with a political 16790
party. If these members fail to appoint the seventh member within 16791
this forty-five-day period, the chief justice of the supreme 16792
court, within fifteen days after the end of this period, shall 16793
appoint the seventh member, who shall not be affiliated with a 16794
political party. If a vacancy occurs in any of the other six 16795
positions on the commission, the legislative leaders of the 16796
political party from whose list of persons the member being 16797
replaced was appointed shall submit to the governor, not later 16798
than thirty days after the date of the vacancy, a list of three 16799
persons who are affiliated with that political party. Not later 16800
than fifteen days after receiving the list, the governor, with the 16801
advice and consent of the senate, shall appoint one person from 16802
the list to the commission. 16803

(3) At no time shall more than six members of the commission 16804
be affiliated with a political party, and, of these six members, 16805
not more than three shall be affiliated with the same political 16806
party. 16807

(4) In making appointments to the commission, the governor 16808
shall take into consideration the various geographic areas of this 16809
state and shall appoint members so that those areas are 16810
represented on the commission in a balanced manner, to the extent 16811
feasible. 16812

(5) Members of the commission shall be registered electors 16813
and shall be of good moral character. 16814

(B) Each member of the Ohio elections commission shall hold 16815
office from the date of the member's appointment until the end of 16816
the term for which the member was appointed. A member appointed to 16817
fill a vacancy occurring prior to the expiration of the term for 16818
which the member's predecessor was appointed shall hold office for 16819
the remainder of that term. A member shall continue in office 16820
subsequent to the expiration date of the member's term until the 16821
member's successor takes office or until a period of sixty days 16822
has elapsed, whichever occurs first. After the initial terms of 16823
office provided for in division (A)(1) of this section, terms of 16824
office shall be for five years. 16825

(C) A vacancy in the Ohio elections commission may be caused 16826
by death, resignation, or three absences from commission meetings 16827
in a calendar year if those absences are caused by reasons 16828
declared invalid by a vote of five members of the remaining 16829
members of the commission. 16830

(D) Each member of the Ohio elections commission while in the 16831
performance of the business of the commission shall be entitled to 16832
receive compensation at the rate of twenty-five thousand dollars 16833
per year. Members shall be reimbursed for expenses actually and 16834
necessarily incurred in the performance of their duties. 16835

(E) No member of the Ohio elections commission shall serve 16836
more than one full term unless the terms served are served 16837
nonconsecutively. 16838

(F)(1) No member of the Ohio elections commission shall do or 16839
be any of the following: 16840

(a) Hold, or be a candidate for, a public office; 16841

(b) Serve on a committee supporting or opposing a candidate 16842

or ballot question or issue; 16843

(c) Be an officer of the state central committee, a county 16844
central committee, or a district, city, township, or other 16845
committee of a political party or an officer of the executive 16846
committee of the state central committee, a county central 16847
committee, or a district, city, township, or other committee of a 16848
political party; 16849

(d) Be a legislative agent as defined in section 101.70 of 16850
the Revised Code or an executive agency lobbyist as defined in 16851
section 121.60 of the Revised Code; 16852

(e) Solicit or be involved in soliciting contributions on 16853
behalf of a candidate, campaign committee, political party, 16854
political action committee, or political contributing entity; 16855

(f) Be in the unclassified service under section 124.11 of 16856
the Revised Code; 16857

(g) Be a person or employee ~~described in divisions (C)(1) to~~ 16858
~~(15)~~ who is not subject to Chapter 4117. of the Revised Code 16859
pursuant to division (C) of section 4117.01 of the Revised Code. 16860

(2) No member or employee of the commission shall make a 16861
contribution to, or for the benefit of, a campaign committee or 16862
committee in support of or opposition to a ballot question or 16863
issue, a political party, a legislative campaign fund, a political 16864
action committee, or a political contributing entity. 16865

(G)(1) The members of the Ohio elections commission shall 16866
elect a chairperson and a vice-chairperson. At no time shall the 16867
chairperson and vice-chairperson be affiliated with the same 16868
political party. The chairperson shall serve in that capacity for 16869
one year and shall not serve as chairperson more than twice during 16870
a term as a member of the commission. No two successive 16871
chairpersons shall be affiliated with the same political party. 16872

(2) The commission shall meet at the call of the chairperson 16873
or upon the written request of a majority of the members. The 16874
meetings and hearings of the commission or a panel of the 16875
commission under sections 3517.153 to 3517.157 of the Revised Code 16876
are subject to section 121.22 of the Revised Code. 16877

(3) The commission shall adopt rules for its procedures in 16878
accordance with Chapter 119. of the Revised Code. Five of the 16879
seven members constitute a quorum. Except as otherwise provided in 16880
this section and in sections 3517.154 to 3517.157 of the Revised 16881
Code, no action shall be taken without the concurrence of a 16882
majority of the members. 16883

(H)(1) The Ohio elections commission shall employ the 16884
technical, professional, and clerical employees that are necessary 16885
for it to carry out its duties. 16886

(2)(a) Notwithstanding section 109.02 of the Revised Code, 16887
the commission shall employ a full-time attorney, and, as needed, 16888
one or more investigatory attorneys to conduct investigations for 16889
the commission or a panel of the commission. The commission may 16890
employ or contract for the services of additional attorneys, as 16891
needed. The full-time attorney shall do all of the following: 16892

(i) Serve as the commission's attorney in regard to all legal 16893
matters, including representing the commission at appeals from a 16894
final determination of the commission, except that the full-time 16895
attorney shall not perform the duties that an investigatory 16896
attorney is required or requested to perform or that another 16897
attorney the commission employs or contracts with for services is 16898
required or requested to perform, and shall not represent the 16899
commission in any legal proceeding in which the commission is a 16900
named party; 16901

(ii) At the request of the commission or a panel of the 16902
commission, be present at a hearing held under sections 3517.154 16903

to 3517.156 of the Revised Code to rule on the admissibility of
evidence and to advise on the conduct of procedure;

(iii) Perform other duties as required by rule of the
commission.

(b) An attorney employed by or under contract with the
commission shall be licensed to practice law in this state.

(3)(a) Except as otherwise provided in division (H)(3)(b) of
this section, at least five members of the commission shall agree
on the employment of a person, a majority of the members shall
agree on the discharge of an employee, and a person employed by
the commission shall serve at the pleasure of the commission.

(b) At least five of the seven members shall agree on the
discharge of an investigatory attorney.

(I) There is hereby created in the state treasury the Ohio
elections commission fund. All moneys credited to the fund shall
be used solely for the purpose of paying expenses related to the
operation of the Ohio elections commission.

Sec. 3701.041. (A) The employee assistance program is hereby
established for the purpose of referring state employees paid by
warrant of the ~~auditor of state~~ director of budget and management
who are in need of medical, social, or other services to providers
of those services.

The director of health, in consultation with the director of
budget and management, shall determine a rate at which the
payrolls of all state agencies with employees paid by warrant of
the ~~auditor of state~~ director of budget and management shall be
charged each pay period that is sufficient to cover the costs of
administering the program. The rate shall be based upon the total
number of such employees and may be adjusted as the director of
health, in consultation with the director of budget and

management, considers necessary. All money collected from the 16934
assessment shall be deposited in the state treasury to the credit 16935
of the employee assistance general services fund, which is hereby 16936
created. The fund shall be used by the director of health to 16937
administer the program. 16938

(B) Records of the identity, diagnosis, prognosis, or 16939
treatment of any person that are maintained in connection with the 16940
employee assistance program created in division (A) of this 16941
section are not public records under section 149.43 of the Revised 16942
Code and shall be disclosed only as provided in division (C) of 16943
this section. 16944

(C)(1) Records described in division (B) of this section may 16945
be disclosed with the prior written consent of the person who is 16946
the subject of the record. 16947

(2) Records described in division (B) of this section may be 16948
disclosed with or without the prior written consent of the person 16949
who is the subject of the record under the following conditions: 16950

(a) To medical personnel to the extent necessary to meet a 16951
bona fide medical emergency; 16952

(b) To qualified personnel for the purpose of conducting 16953
scientific research, management audits, financial audits, or 16954
program evaluation, but the personnel shall not directly or 16955
indirectly identify any person who is the subject of the record in 16956
any report of the research, audit, or evaluation or in any other 16957
manner; 16958

(c) If authorized by an appropriate order of a court of 16959
competent jurisdiction granted after a showing of good cause. In 16960
determining good cause, the court shall weigh the public interest 16961
and the need for disclosure against injury to the person who is 16962
the subject of the record and to the employee assistance program. 16963
Upon granting such an order, the court shall, in determining the 16964

extent to which the disclosure of all or any part of any record is 16965
necessary, impose appropriate safeguards against unauthorized 16966
disclosure. 16967

(D) Except as authorized by a court order described in 16968
division (C)(2)(c) of this section, no record described in 16969
division (B) of this section may be used to initiate or 16970
substantiate criminal charges against the person who is the 16971
subject of the record or to conduct any investigation of such a 16972
person. 16973

Sec. 3705.242. (A)(1) The director of health, a person 16974
authorized by the director, a local commissioner of health, or a 16975
local registrar of vital statistics shall charge and collect a fee 16976
of one dollar and fifty cents for each certified copy of a birth 16977
record, each certification of birth, and each copy of a death 16978
record. The fee is in addition to the fee imposed by section 16979
3705.24 or any other section of the Revised Code. A local 16980
commissioner of health or local registrar of vital statistics may 16981
retain an amount of each additional fee collected, not to exceed 16982
three per cent of the amount of the additional fee, to be used for 16983
costs directly related to the collection of the fee and the 16984
forwarding of the fee to the treasurer of state. The additional 16985
fees collected, but not retained, under division (A)(1) of this 16986
section shall be forwarded to the treasurer of state not later 16987
than thirty days following the end of each quarter. 16988

(2) On the filing of a divorce decree under section 3105.10 16989
or a decree of dissolution under section 3105.65 of the Revised 16990
Code, a court of common pleas shall charge and collect a fee of 16991
five dollars and fifty cents. The fee is in addition to any other 16992
court costs or fees. The county clerk of courts may retain an 16993
amount of each additional fee collected, not to exceed three per 16994
cent of the amount of the additional fee, to be used for costs 16995

directly related to the collection of the fee and the forwarding 16996
of the fee to the treasurer of state. The additional fees 16997
collected, but not retained, under division (A)(2) of this section 16998
shall be forwarded to the treasurer of state not later than twenty 16999
days following the end of each month. 17000

(B) ~~The additional fees collected, but not retained, under~~ 17001
~~this section during each month shall be forwarded not later than~~ 17002
~~the tenth day of the immediately following month to the treasurer~~ 17003
~~of state, who shall deposit the fees~~ fowarded under this section 17004
in the state treasury to the credit of the family violence 17005
prevention fund, which is hereby created. A person or government 17006
entity that fails to forward the fees in a timely manner, as 17007
determined by the treasurer of state, shall forward to the 17008
treasurer of state, in addition to the fees, a penalty equal to 17009
ten per cent of the fees. 17010

The treasurer of state shall invest the moneys in the fund. 17011
All earnings resulting from investment of the fund shall be 17012
credited to the fund, except that actual administration costs 17013
incurred by the treasurer of state in administering the fund may 17014
be deducted from the earnings resulting from investments. The 17015
amount that may be deducted shall not exceed three per cent of the 17016
total amount of fees credited to the fund in each fiscal year. The 17017
balance of the investment earnings shall be credited to the fund. 17018

(C) The director of public safety shall use money credited to 17019
the fund to provide grants to family violence shelters in Ohio. 17020

Sec. 3734.57. (A) The following fees are hereby levied on the 17021
transfer or disposal of solid wastes in this state: 17022

(1) One dollar per ton on and after July 1, 2003, through 17023
June 30, 2008, one-half of the proceeds of which shall be 17024
deposited in the state treasury to the credit of the hazardous 17025

waste facility management fund created in section 3734.18 of the Revised Code and one-half of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code; 17026
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(2) An additional one dollar per ton on and after July 1, 2003, through June 30, 2008, the proceeds of which shall be deposited in the state treasury to the credit of the solid waste fund, which is hereby created. The environmental protection agency shall use money in the solid waste fund to pay the costs of administering and enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and any rules adopted under them, providing compliance assistance to small businesses, and paying a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code. 17031
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(3) An additional one dollar and fifty cents per ton on and after July 1, 2005, through June 30, 2008, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code. 17045
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported ~~to for disposal at a solid waste disposal facility for disposal~~ located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes 17050
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received at the facility multiplied by the fees levied under this 17058
division. In the case of solid wastes that are not taken to a 17059
solid waste transfer facility located in this state prior to being 17060
transported to a solid waste disposal facility, the fees shall be 17061
collected by the owner or operator of the solid waste disposal 17062
facility as a trustee for the state. The amount of fees required 17063
to be collected under this division at such a disposal facility 17064
shall equal the total tonnage of solid wastes received at the 17065
facility that was not previously taken to a solid waste transfer 17066
facility located in this state multiplied by the fees levied under 17067
this division. Fees levied under this division do not apply to 17068
materials separated from a mixed waste stream for recycling by a 17069
generator or materials removed from the solid waste stream through 17070
recycling, as "recycling" is defined in rules adopted under 17071
section 3734.02 of the Revised Code. 17072

The owner or operator of a solid waste transfer facility or 17073
disposal facility, as applicable, shall prepare and file with the 17074
director of environmental protection each month a return 17075
indicating the total tonnage of solid wastes received at the 17076
facility during that month and the total amount of the fees 17077
required to be collected under this division during that month. In 17078
addition, the owner or operator of a solid waste disposal facility 17079
shall indicate on the return the total tonnage of solid wastes 17080
received from transfer facilities located in this state during 17081
that month for which the fees were required to be collected by the 17082
transfer facilities. The monthly returns shall be filed on a form 17083
prescribed by the director. Not later than thirty days after the 17084
last day of the month to which a return applies, the owner or 17085
operator shall mail to the director the return for that month 17086
together with the fees required to be collected under this 17087
division during that month as indicated on the return. If the 17088
return is filed and the amount of the fees due is paid in a timely 17089
manner as required in this division, the owner or operator may 17090

retain a discount of three-fourths of one per cent of the total 17091
amount of the fees that are required to be paid as indicated on 17092
the return. 17093

The owner or operator may request an extension of not more 17094
than thirty days for filing the return and remitting the fees, 17095
provided that the owner or operator has submitted such a request 17096
in writing to the director together with a detailed description of 17097
why the extension is requested, the director has received the 17098
request not later than the day on which the return is required to 17099
be filed, and the director has approved the request. If the fees 17100
are not remitted within thirty days after the last day of the 17101
month to which the return applies or are not remitted by the last 17102
day of an extension approved by the director, the owner or 17103
operator shall not retain the three-fourths of one per cent 17104
discount and shall pay an additional ten per cent of the amount of 17105
the fees for each month that they are late. For purposes of 17106
calculating the late fee, the first month in which fees are late 17107
begins on the first day after the deadline has passed for timely 17108
submitting the return and fees, and one additional month shall be 17109
counted every thirty days thereafter. 17110

The owner or operator of a solid waste facility may request a 17111
refund or credit of fees levied under this division and remitted 17112
to the director that have not been paid to the owner or operator. 17113
Such a request shall be made only if the fees have not been 17114
collected by the owner or operator, have become a debt that has 17115
become worthless or uncollectable for a period of six months or 17116
more, and may be claimed as a deduction, including a deduction 17117
claimed if the owner or operator keeps accounts on an accrual 17118
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 17119
U.S.C. 166, as amended, and regulations adopted under it. Prior to 17120
making a request for a refund or credit, an owner or operator 17121
shall make reasonable efforts to collect the applicable fees. A 17122

request for a refund or credit shall not include any costs 17123
resulting from those efforts to collect unpaid fees. 17124

A request for a refund or credit of fees shall be made in 17125
writing, on a form prescribed by the director, and shall be 17126
supported by evidence that may be required in rules adopted by the 17127
director under this chapter. After reviewing the request, the 17128
director may grant a refund to the owner or operator or may permit 17129
a credit to be taken by the owner or operator on a subsequent 17130
monthly return submitted by the owner or operator. The amount of a 17131
refund or credit shall not exceed an amount that is equal to 17132
ninety days' worth of fees owed to an owner or operator by a 17133
particular debtor of the owner or operator. A refund or credit 17134
shall not be granted by the director to an owner or operator more 17135
than once in any twelve-month period for fees owed to the owner or 17136
operator by a particular debtor. 17137

If, after receiving a refund or credit from the director, an 17138
owner or operator receives payment of all or part of the fees, the 17139
owner or operator shall remit the fees with the next monthly 17140
return submitted to the director together with a written 17141
explanation of the reason for the submittal. 17142

For purposes of computing the fees levied under this division 17143
or division (B) of this section, any solid waste transfer or 17144
disposal facility that does not use scales as a means of 17145
determining gate receipts shall use a conversion factor of three 17146
cubic yards per ton of solid waste or one cubic yard per ton for 17147
baled waste, as applicable. 17148

The fees levied under this division and divisions (B) and (C) 17149
of this section are in addition to all other applicable fees and 17150
taxes and shall be paid by the customer to the owner or operator 17151
of a solid waste transfer or disposal facility notwithstanding the 17152
existence of any provision in a contract that the customer may 17153

have with the owner or operator that would not require or allow
such payment. 17154
17155

(B) For the purposes specified in division (G) of this 17156
section, the solid waste management policy committee of a county 17157
or joint solid waste management district may levy fees upon the 17158
following activities: 17159

(1) The disposal at a solid waste disposal facility located 17160
in the district of solid wastes generated within the district; 17161

(2) The disposal at a solid waste disposal facility within 17162
the district of solid wastes generated outside the boundaries of 17163
the district, but inside this state; 17164

(3) The disposal at a solid waste disposal facility within 17165
the district of solid wastes generated outside the boundaries of 17166
this state. 17167

The solid waste management plan of the county or joint 17168
district approved under section 3734.521 or 3734.55 of the Revised 17169
Code and any amendments to it, or the resolution adopted under 17170
this division, as appropriate, shall establish the rates of the 17171
fees levied under divisions (B)(1), (2), and (3) of this section, 17172
if any, and shall specify whether the fees are levied on the basis 17173
of tons or cubic yards as the unit of measurement. A solid waste 17174
management district that levies fees under this division on the 17175
basis of cubic yards shall do so in accordance with division (A) 17176
of this section. 17177

The fee levied under division (B)(1) of this section shall be 17178
not less than one dollar per ton nor more than two dollars per 17179
ton, the fee levied under division (B)(2) of this section shall be 17180
not less than two dollars per ton nor more than four dollars per 17181
ton, and the fee levied under division (B)(3) of this section 17182
shall be not more than the fee levied under division (B)(1) of 17183
this section. 17184

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each

such board and legislative authority, by ordinance or resolution, 17218
shall approve or disapprove the revised fees and deliver a copy of 17219
the ordinance or resolution to the committee. If any such board or 17220
legislative authority fails to adopt and deliver to the policy 17221
committee an ordinance or resolution approving or disapproving the 17222
revised fees within sixty days after the policy committee 17223
delivered its resolution adopting the proposed revised fees, it 17224
shall be conclusively presumed that the board or legislative 17225
authority has approved the proposed revised fees. The committee 17226
shall determine if the resolution has been ratified in the same 17227
manner in which it determines if a draft solid waste management 17228
plan has been ratified under division (B) of section 3734.55 of 17229
the Revised Code. 17230

The committee may amend the schedule of fees levied pursuant 17231
to a resolution adopted and ratified under this division by 17232
adopting a resolution establishing the proposed amount of the 17233
amended fees. The committee may repeal the fees levied pursuant to 17234
such a resolution by adopting a resolution proposing to repeal 17235
them. Upon adopting such a resolution, the committee shall proceed 17236
to obtain ratification of the resolution in accordance with this 17237
division. 17238

Not later than fourteen days after declaring the new fees to 17239
be ratified or the fees to be repealed under this division, the 17240
committee shall notify by certified mail the owner or operator of 17241
each solid waste disposal facility that is required to collect the 17242
fees of the ratification and the amount of the fees or of the 17243
repeal of the fees. Collection of any fees shall commence or 17244
collection of repealed fees shall cease on the first day of the 17245
second month following the month in which notification is sent to 17246
the owner or operator. 17247

Fees levied under this division also may be established, 17248
amended, or repealed by a solid waste management policy committee 17249

through the adoption of a new district solid waste management 17250
plan, the adoption of an amended plan, or the amendment of the 17251
plan or amended plan in accordance with sections 3734.55 and 17252
3734.56 of the Revised Code or the adoption or amendment of a 17253
district plan in connection with a change in district composition 17254
under section 3734.521 of the Revised Code. 17255

Not later than fourteen days after the director issues an 17256
order approving a district's solid waste management plan, amended 17257
plan, or amendment to a plan or amended plan that establishes, 17258
amends, or repeals a schedule of fees levied by the district, the 17259
committee shall notify by certified mail the owner or operator of 17260
each solid waste disposal facility that is required to collect the 17261
fees of the approval of the plan or amended plan, or the amendment 17262
to the plan, as appropriate, and the amount of the fees, if any. 17263
In the case of an initial or amended plan approved under section 17264
3734.521 of the Revised Code in connection with a change in 17265
district composition, other than one involving the withdrawal of a 17266
county from a joint district, the committee, within fourteen days 17267
after the change takes effect pursuant to division (G) of that 17268
section, shall notify by certified mail the owner or operator of 17269
each solid waste disposal facility that is required to collect the 17270
fees that the change has taken effect and of the amount of the 17271
fees, if any. Collection of any fees shall commence or collection 17272
of repealed fees shall cease on the first day of the second month 17273
following the month in which notification is sent to the owner or 17274
operator. 17275

If, in the case of a change in district composition involving 17276
the withdrawal of a county from a joint district, the director 17277
completes the actions required under division (G)(1) or (3) of 17278
section 3734.521 of the Revised Code, as appropriate, forty-five 17279
days or more before the beginning of a calendar year, the policy 17280
committee of each of the districts resulting from the change that 17281

obtained the director's approval of an initial or amended plan in 17282
connection with the change, within fourteen days after the 17283
director's completion of the required actions, shall notify by 17284
certified mail the owner or operator of each solid waste disposal 17285
facility that is required to collect the district's fees that the 17286
change is to take effect on the first day of January immediately 17287
following the issuance of the notice and of the amount of the fees 17288
or amended fees levied under divisions (B)(1) to (3) of this 17289
section pursuant to the district's initial or amended plan as so 17290
approved or, if appropriate, the repeal of the district's fees by 17291
that initial or amended plan. Collection of any fees set forth in 17292
such a plan or amended plan shall commence on the first day of 17293
January immediately following the issuance of the notice. If such 17294
an initial or amended plan repeals a schedule of fees, collection 17295
of the fees shall cease on that first day of January. 17296

If, in the case of a change in district composition involving 17297
the withdrawal of a county from a joint district, the director 17298
completes the actions required under division (G)(1) or (3) of 17299
section 3734.521 of the Revised Code, as appropriate, less than 17300
forty-five days before the beginning of a calendar year, the 17301
director, on behalf of each of the districts resulting from the 17302
change that obtained the director's approval of an initial or 17303
amended plan in connection with the change proceedings, shall 17304
notify by certified mail the owner or operator of each solid waste 17305
disposal facility that is required to collect the district's fees 17306
that the change is to take effect on the first day of January 17307
immediately following the mailing of the notice and of the amount 17308
of the fees or amended fees levied under divisions (B)(1) to (3) 17309
of this section pursuant to the district's initial or amended plan 17310
as so approved or, if appropriate, the repeal of the district's 17311
fees by that initial or amended plan. Collection of any fees set 17312
forth in such a plan or amended plan shall commence on the first 17313

day of the second month following the month in which notification 17314
is sent to the owner or operator. If such an initial or amended 17315
plan repeals a schedule of fees, collection of the fees shall 17316
cease on the first day of the second month following the month in 17317
which notification is sent to the owner or operator. 17318

If the schedule of fees that a solid waste management 17319
district is levying under divisions (B)(1) to (3) of this section 17320
is amended or repealed, the fees in effect immediately prior to 17321
the amendment or repeal shall continue to be collected until 17322
collection of the amended fees commences or collection of the 17323
repealed fees ceases, as applicable, as specified in this 17324
division. In the case of a change in district composition, money 17325
so received from the collection of the fees of the former 17326
districts shall be divided among the resulting districts in 17327
accordance with division (B) of section 343.012 of the Revised 17328
Code and the agreements entered into under division (B) of section 17329
343.01 of the Revised Code to establish the former and resulting 17330
districts and any amendments to those agreements. 17331

For the purposes of the provisions of division (B) of this 17332
section establishing the times when newly established or amended 17333
fees levied by a district are required to commence and the 17334
collection of fees that have been amended or repealed is required 17335
to cease, "fees" or "schedule of fees" includes, in addition to 17336
fees levied under divisions (B)(1) to (3) of this section, those 17337
levied under section 3734.573 or 3734.574 of the Revised Code. 17338

(C) For the purposes of defraying the added costs to a 17339
municipal corporation or township of maintaining roads and other 17340
public facilities and of providing emergency and other public 17341
services, and compensating a municipal corporation or township for 17342
reductions in real property tax revenues due to reductions in real 17343
property valuations resulting from the location and operation of a 17344
solid waste disposal facility within the municipal corporation or 17345

township, a municipal corporation or township in which such a 17346
solid waste disposal facility is located may levy a fee of not 17347
more than twenty-five cents per ton on the disposal of solid 17348
wastes at a solid waste disposal facility located within the 17349
boundaries of the municipal corporation or township regardless of 17350
where the wastes were generated. 17351

The legislative authority of a municipal corporation or 17352
township may levy fees under this division by enacting an 17353
ordinance or adopting a resolution establishing the amount of the 17354
fees. Upon so doing the legislative authority shall mail a 17355
certified copy of the ordinance or resolution to the board of 17356
county commissioners or directors of the county or joint solid 17357
waste management district in which the municipal corporation or 17358
township is located or, if a regional solid waste management 17359
authority has been formed under section 343.011 of the Revised 17360
Code, to the board of trustees of that regional authority, the 17361
owner or operator of each solid waste disposal facility in the 17362
municipal corporation or township that is required to collect the 17363
fee by the ordinance or resolution, and the director of 17364
environmental protection. Although the fees levied under this 17365
division are levied on the basis of tons as the unit of 17366
measurement, the legislative authority, in its ordinance or 17367
resolution levying the fees under this division, may direct that 17368
the fees be levied on the basis of cubic yards as the unit of 17369
measurement based upon a conversion factor of three cubic yards 17370
per ton generally or one cubic yard per ton for baled wastes. 17371

Not later than five days after enacting an ordinance or 17372
adopting a resolution under this division, the legislative 17373
authority shall so notify by certified mail the owner or operator 17374
of each solid waste disposal facility that is required to collect 17375
the fee. Collection of any fee levied on or after March 24, 1992, 17376
shall commence on the first day of the second month following the 17377

month in which notification is sent to the owner or operator. 17378

(D)(1) The fees levied under divisions (A), (B), and (C) of 17379
this section do not apply to the disposal of solid wastes that: 17380

(a) Are disposed of at a facility owned by the generator of 17381
the wastes when the solid waste facility exclusively disposes of 17382
solid wastes generated at one or more premises owned by the 17383
generator regardless of whether the facility is located on a 17384
premises where the wastes are generated; 17385

(b) Are disposed of at facilities that exclusively dispose of 17386
wastes that are generated from the combustion of coal, or from the 17387
combustion of primarily coal in combination with scrap tires, that 17388
is not combined in any way with garbage at one or more premises 17389
owned by the generator. 17390

(2) Except as provided in section 3734.571 of the Revised 17391
Code, any fees levied under division (B)(1) of this section apply 17392
to solid wastes originating outside the boundaries of a county or 17393
joint district that are covered by an agreement for the joint use 17394
of solid waste facilities entered into under section 343.02 of the 17395
Revised Code by the board of county commissioners or board of 17396
directors of the county or joint district where the wastes are 17397
generated and disposed of. 17398

(3) When solid wastes, other than solid wastes that consist 17399
of scrap tires, are burned in a disposal facility that is an 17400
incinerator or energy recovery facility, the fees levied under 17401
divisions (A), (B), and (C) of this section shall be levied upon 17402
the disposal of the fly ash and bottom ash remaining after burning 17403
of the solid wastes and shall be collected by the owner or 17404
operator of the sanitary landfill where the ash is disposed of. 17405

(4) When solid wastes are delivered to a solid waste transfer 17406
facility, the fees levied under divisions (B) and (C) of this 17407
section shall be levied upon the disposal of solid wastes 17408

transported off the premises of the transfer facility for disposal 17409
and shall be collected by the owner or operator of the solid waste 17410
disposal facility where the wastes are disposed of. 17411

(5) The fees levied under divisions (A), (B), and (C) of this 17412
section do not apply to sewage sludge that is generated by a waste 17413
water treatment facility holding a national pollutant discharge 17414
elimination system permit and that is disposed of through 17415
incineration, land application, or composting or at another 17416
resource recovery or disposal facility that is not a landfill. 17417

(6) The fees levied under divisions (A), (B), and (C) of this 17418
section do not apply to solid wastes delivered to a solid waste 17419
composting facility for processing. When any unprocessed solid 17420
waste or compost product is transported off the premises of a 17421
composting facility and disposed of at a landfill, the fees levied 17422
under divisions (A), (B), and (C) of this section shall be 17423
collected by the owner or operator of the landfill where the 17424
unprocessed waste or compost product is disposed of. 17425

(7) When solid wastes that consist of scrap tires are 17426
processed at a scrap tire recovery facility, the fees levied under 17427
divisions (A), (B), and (C) of this section shall be levied upon 17428
the disposal of the fly ash and bottom ash or other solid wastes 17429
remaining after the processing of the scrap tires and shall be 17430
collected by the owner or operator of the solid waste disposal 17431
facility where the ash or other solid wastes are disposed of. 17432

(8) The director of environmental protection may issue an 17433
order exempting from the fees levied under this section solid 17434
wastes, including, but not limited to, scrap tires, that are 17435
generated, transferred, or disposed of as a result of a contract 17436
providing for the expenditure of public funds entered into by the 17437
administrator or regional administrator of the United States 17438
environmental protection agency, the director of environmental 17439

protection, or the director of administrative services on behalf 17440
of the director of environmental protection for the purpose of 17441
remediating conditions at a hazardous waste facility, solid waste 17442
facility, or other location at which the administrator or regional 17443
administrator or the director of environmental protection has 17444
reason to believe that there is a substantial threat to public 17445
health or safety or the environment or that the conditions are 17446
causing or contributing to air or water pollution or soil 17447
contamination. An order issued by the director of environmental 17448
protection under division (D)(8) of this section shall include a 17449
determination that the amount of the fees not received by a solid 17450
waste management district as a result of the order will not 17451
adversely impact the implementation and financing of the 17452
district's approved solid waste management plan and any approved 17453
amendments to the plan. Such an order is a final action of the 17454
director of environmental protection. 17455

(E) The fees levied under divisions (B) and (C) of this 17456
section shall be collected by the owner or operator of the solid 17457
waste disposal facility where the wastes are disposed of as a 17458
trustee for the county or joint district and municipal corporation 17459
or township where the wastes are disposed of. Moneys from the fees 17460
levied under division (B) of this section shall be forwarded to 17461
the board of county commissioners or board of directors of the 17462
district in accordance with rules adopted under division (H) of 17463
this section. Moneys from the fees levied under division (C) of 17464
this section shall be forwarded to the treasurer or such other 17465
officer of the municipal corporation as, by virtue of the charter, 17466
has the duties of the treasurer or to the fiscal officer of the 17467
township, as appropriate, in accordance with those rules. 17468

(F) Moneys received by the treasurer or other officer of the 17469
municipal corporation under division (E) of this section shall be 17470
paid into the general fund of the municipal corporation. Moneys 17471

received by the fiscal officer of the township under that division 17472
shall be paid into the general fund of the township. The treasurer 17473
or other officer of the municipal corporation or the township 17474
fiscal officer, as appropriate, shall maintain separate records of 17475
the moneys received from the fees levied under division (C) of 17476
this section. 17477

(G) Moneys received by the board of county commissioners or 17478
board of directors under division (E) of this section or section 17479
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 17480
shall be paid to the county treasurer, or other official acting in 17481
a similar capacity under a county charter, in a county district or 17482
to the county treasurer or other official designated by the board 17483
of directors in a joint district and kept in a separate and 17484
distinct fund to the credit of the district. If a regional solid 17485
waste management authority has been formed under section 343.011 17486
of the Revised Code, moneys received by the board of trustees of 17487
that regional authority under division (E) of this section shall 17488
be kept by the board in a separate and distinct fund to the credit 17489
of the district. Moneys in the special fund of the county or joint 17490
district arising from the fees levied under division (B) of this 17491
section and the fee levied under division (A) of section 3734.573 17492
of the Revised Code shall be expended by the board of county 17493
commissioners or directors of the district in accordance with the 17494
district's solid waste management plan or amended plan approved 17495
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 17496
exclusively for the following purposes: 17497

(1) Preparation of the solid waste management plan of the 17498
district under section 3734.54 of the Revised Code, monitoring 17499
implementation of the plan, and conducting the periodic review and 17500
amendment of the plan required by section 3734.56 of the Revised 17501
Code by the solid waste management policy committee; 17502

(2) Implementation of the approved solid waste management 17503

plan or amended plan of the district, including, without 17504
limitation, the development and implementation of solid waste 17505
recycling or reduction programs; 17506

(3) Providing financial assistance to boards of health within 17507
the district, if solid waste facilities are located within the 17508
district, for enforcement of this chapter and rules, orders, and 17509
terms and conditions of permits, licenses, and variances adopted 17510
or issued under it, other than the hazardous waste provisions of 17511
this chapter and rules adopted and orders and terms and conditions 17512
of permits issued under those provisions; 17513

(4) Providing financial assistance to each county within the 17514
district to defray the added costs of maintaining roads and other 17515
public facilities and of providing emergency and other public 17516
services resulting from the location and operation of a solid 17517
waste facility within the county under the district's approved 17518
solid waste management plan or amended plan; 17519

(5) Pursuant to contracts entered into with boards of health 17520
within the district, if solid waste facilities contained in the 17521
district's approved plan or amended plan are located within the 17522
district, for paying the costs incurred by those boards of health 17523
for collecting and analyzing samples from public or private water 17524
wells on lands adjacent to those facilities; 17525

(6) Developing and implementing a program for the inspection 17526
of solid wastes generated outside the boundaries of this state 17527
that are disposed of at solid waste facilities included in the 17528
district's approved solid waste management plan or amended plan; 17529

(7) Providing financial assistance to boards of health within 17530
the district for the enforcement of section 3734.03 of the Revised 17531
Code or to local law enforcement agencies having jurisdiction 17532
within the district for enforcing anti-littering laws and 17533
ordinances; 17534

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid

waste management policy committee by resolution. 17567

Notwithstanding division (G)(6) of this section as it existed 17568
prior to October 29, 1993, or any provision in a district's solid 17569
waste management plan prepared in accordance with division 17570
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 17571
prior to that date, any moneys arising from the fees levied under 17572
division (B)(3) of this section prior to January 1, 1994, may be 17573
expended for any of the purposes authorized in divisions (G)(1) to 17574
(10) of this section. 17575

(H) The director shall adopt rules in accordance with Chapter 17576
119. of the Revised Code prescribing procedures for collecting and 17577
forwarding the fees levied under divisions (B) and (C) of this 17578
section to the boards of county commissioners or directors of 17579
county or joint solid waste management districts and to the 17580
treasurers or other officers of municipal corporations and the 17581
fiscal officers of townships. The rules also shall prescribe the 17582
dates for forwarding the fees to the boards and officials and may 17583
prescribe any other requirements the director considers necessary 17584
or appropriate to implement and administer divisions (A), (B), and 17585
(C) of this section. 17586

Sec. 3735.67. (A) The owner of real property located in a 17587
community reinvestment area and eligible for exemption from 17588
taxation under a resolution adopted pursuant to section 3735.66 of 17589
the Revised Code may file an application for an exemption from 17590
real property taxation of a percentage of the assessed valuation 17591
of a new structure or remodeling, completed after the effective 17592
date of the resolution adopted pursuant to section 3735.66 of the 17593
Revised Code, with the housing officer designated pursuant to 17594
section 3735.66 of the Revised Code for the community reinvestment 17595
area in which the property is located. If any part of the new 17596
structure or remodeling that would be exempted is of real property 17597

to be used for commercial or industrial purposes, the legislative 17598
authority and the owner of the property shall enter into a written 17599
agreement pursuant to section 3735.671 of the Revised Code prior 17600
to commencement of construction or remodeling; if such an 17601
agreement is subject to approval by the board of education of the 17602
school district within the territory of which the property is or 17603
will be located, the agreement shall not be formally approved by 17604
the legislative authority until the board of education approves 17605
the agreement in the manner prescribed by that section. 17606

(B) The housing officer shall verify the construction of the 17607
new structure or the cost of the remodeling and the facts asserted 17608
in the application. The housing officer shall determine whether 17609
the construction or the cost of the remodeling meets the 17610
requirements for an exemption under this section. In cases 17611
involving a structure of historical or architectural significance, 17612
the housing officer shall not determine whether the remodeling 17613
meets the requirements for a tax exemption unless the 17614
appropriateness of the remodeling has been certified, in writing, 17615
by the society, association, agency, or legislative authority that 17616
has designated the structure or by any organization or person 17617
authorized, in writing, by such society, association, agency, or 17618
legislative authority to certify the appropriateness of the 17619
remodeling. 17620

(C) If the construction or remodeling meets the requirements 17621
for exemption, the housing officer shall forward the application 17622
to the county auditor with a certification as to the division of 17623
this section under which the exemption is granted, and the period 17624
and percentage of the exemption as determined by the legislative 17625
authority pursuant to that division. If the construction or 17626
remodeling is of commercial or industrial property and the 17627
legislative authority is not required to certify a copy of a 17628
resolution under section 3735.671 of the Revised Code, the housing 17629

officer shall comply with the notice requirements prescribed under 17630
section 5709.83 of the Revised Code, unless the board has adopted 17631
a resolution under that section waiving its right to receive such 17632
a notice. 17633

(D) ~~The~~ Except as provided in division (F) of this section, 17634
the tax exemption shall first apply in the year the construction 17635
or remodeling would first be taxable but for this section. In the 17636
case of remodeling that qualifies for exemption, a percentage, not 17637
to exceed one hundred per cent, of the amount by which the 17638
remodeling increased the assessed value of the structure shall be 17639
exempted from real property taxation. In the case of construction 17640
of a structure that qualifies for exemption, a percentage, not to 17641
exceed one hundred per cent, of the assessed value of the 17642
structure shall be exempted from real property taxation. In either 17643
case, the percentage shall be the percentage set forth in the 17644
agreement if the structure or remodeling is to be used for 17645
commercial or industrial purposes, or the percentage set forth in 17646
the resolution describing the community reinvestment area if the 17647
structure or remodeling is to be used for residential purposes. 17648

The construction of new structures and the remodeling of 17649
existing structures are hereby declared to be a public purpose for 17650
which exemptions from real property taxation may be granted for 17651
the following periods: 17652

(1) For every dwelling containing not more than two family 17653
units located within the same community reinvestment area and upon 17654
which the cost of remodeling is at least two thousand five hundred 17655
dollars, a period to be determined by the legislative authority 17656
adopting the resolution describing the community reinvestment area 17657
where the dwelling is located, but not exceeding ten years; 17658

(2) For every dwelling containing more than two units and 17659
commercial or industrial properties, located within the same 17660

community reinvestment area, upon which the cost of remodeling is 17661
at least five thousand dollars, a period to be determined by the 17662
legislative authority adopting the resolution, but not exceeding 17663
twelve years; 17664

(3) ~~For~~ Except as provided in division (F) of this section, 17665
for construction of every dwelling, and commercial or industrial 17666
structure located within the same community reinvestment area, a 17667
period to be determined by the legislative authority adopting the 17668
resolution, but not exceeding fifteen years. 17669

(E) Any person, board, or officer authorized by section 17670
5715.19 of the Revised Code to file complaints with the county 17671
board of revision may file a complaint with the housing officer 17672
challenging the continued exemption of any property granted an 17673
exemption under this section. A complaint against exemption shall 17674
be filed prior to the thirty-first day of December of the tax year 17675
for which taxation of the property is requested. The housing 17676
officer shall determine whether the property continues to meet the 17677
requirements for exemption and shall certify the housing officer's 17678
findings to the complainant. If the housing officer determines 17679
that the property does not meet the requirements for exemption, 17680
the housing officer shall notify the county auditor, who shall 17681
correct the tax list and duplicate accordingly. 17682

(F) The owner of a dwelling constructed in a community 17683
reinvestment area may file an application for an exemption after 17684
the year the construction first became subject to taxation. The 17685
application shall be processed in accordance with the procedures 17686
prescribed under this section and shall be granted if the 17687
construction that is the subject of the application otherwise 17688
meets the requirements for an exemption under this section. If 17689
approved, the exemption sought in the application first applies in 17690
the year the application is filed. An exemption approved pursuant 17691
to this division continues only for those years remaining in the 17692

period described in division (D)(3) of this section. No exemption 17693
may be claimed for any year in that period that precedes the year 17694
in which the application is filed. 17695

Sec. 3745.114. (A) A person that applies for a section 401 17696
water quality certification under Chapter 6111. of the Revised 17697
Code and rules adopted under it shall pay an application fee of 17698
two hundred dollars at the time of application plus any of the 17699
following fees, as applicable: 17700

(1) If the water resource to be impacted is a wetland, a 17701
review fee of five hundred dollars per acre of wetland to be 17702
impacted; 17703

(2) If the water resource to be impacted is a stream one of 17704
the following fees, as applicable: 17705

(a) For an ephemeral stream, a review fee of five dollars per 17706
linear foot of stream to be impacted, or two hundred dollars, 17707
whichever is greater; 17708

(b) For an intermittent stream, a review fee of ten dollars 17709
per linear foot of stream to be impacted, or two hundred dollars, 17710
whichever is greater; 17711

(c) For a perennial stream, a review fee of fifteen dollars 17712
per linear foot of stream to be impacted, or two hundred dollars, 17713
whichever is greater. 17714

(3) If the water resource to be impacted is a lake, a review 17715
fee of three dollars per cubic yard of dredged or fill material to 17716
be moved. 17717

(B) One-half of all applicable review fees levied under this 17718
section shall be due at the time of application for a section 401 17719
water quality certification. The remainder of the fees shall be 17720
paid upon the final disposition of the application for a section 17721
401 water quality certification. The total fee to be paid under 17722

this section shall not exceed twenty-five thousand dollars per application. However, if the applicant is a county, township, or municipal corporation in this state, the total fee to be paid shall not exceed five thousand dollars per application. 17723
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(C) All money collected under this section shall be transmitted to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code. 17727
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(D) The fees established under this section do not apply to any state agency as defined in section 119.01 of the Revised Code or to the United States army corps of engineers. 17731
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(E) The fees established under this section do not apply to projects that are authorized by the environmental protection agency's general certifications of nationwide permits or general permits issued by the United States army corps of engineers. As used in this division, "general permit" and "nationwide permit" have the same meanings as in rules adopted under Chapter 6111. of the Revised Code. 17734
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(F) Coal mining and reclamation operations that are authorized under Chapter 1513. of the Revised Code are exempt from the fees established under this ~~section~~ section for one year after ~~the effective date of this section~~ June 30, 2005. 17741
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(G) As used in this section: 17745

(1) "Ephemeral stream" means a stream that flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and that has channel bottom that is always above the local water table. 17746
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(2) "Intermittent stream" means a stream that is below the local water table and flows for at least a part of each year and that obtains its flow from both surface runoff and ground water 17750
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discharge. 17753

(3) "Perennial stream" means a stream or a part of a stream 17754
that flows continuously during all of the calendar year as a 17755
result of ground water discharge or surface water runoff. 17756
"Perennial stream" does not include an intermittent stream or an 17757
ephemeral stream. 17758

Sec. 3773.33. (A) There is hereby created the Ohio athletic 17759
commission. The commission shall consist of five voting members 17760
appointed by the governor with the advice and consent of the 17761
senate, not more than three of whom shall be of the same political 17762
party, and two nonvoting members, one of whom shall be a member of 17763
the senate appointed by and to serve at the pleasure of the 17764
president of the senate and one of whom shall be a member of the 17765
house of representatives appointed by and to serve at the pleasure 17766
of the speaker of the house of representatives. To be eligible for 17767
appointment as a voting member, a person shall be a qualified 17768
elector and a resident of the state for not less than five years 17769
immediately preceding the person's appointment. Two voting members 17770
shall be knowledgeable in boxing, at least one voting member shall 17771
be knowledgeable and experienced in high school athletics, one 17772
voting member shall be knowledgeable and experienced in 17773
professional athletics, and at least one voting member shall be 17774
knowledgeable and experienced in collegiate athletics. One 17775
commission member shall hold the degree of doctor of medicine or 17776
doctor of osteopathy. 17777

(B) No person shall be appointed to the commission or be an 17778
employee of the commission who is licensed, registered, or 17779
regulated by the commission. No member shall have any legal or 17780
beneficial interest, direct or indirect, pecuniary or otherwise, 17781
in any person who is licensed, registered, or regulated by the 17782
commission or who participates in prize fights or public boxing or 17783

wrestling matches or exhibitions. No member shall participate in 17784
any fight, match, or exhibition other than in the member's 17785
official capacity as a member of the commission, or as an 17786
inspector as authorized in section 3773.52 of the Revised Code. 17787

(C) The governor shall appoint the voting members to the 17788
commission. ~~Of the initial appointments, two shall be for terms~~ 17789
~~ending one year after September 3, 1996, two shall be for terms~~ 17790
~~ending two years after September 3, 1996, and one shall be for a~~ 17791
~~term ending three years after September 3, 1996. Thereafter, terms~~ 17792
Terms of office shall be for three years, each term ending the 17793
same day of the same month of the year as did the term which it 17794
succeeds. Each member shall hold office from the date of the 17795
member's appointment until the end of the term for which the 17796
member was appointed. Any member appointed to fill a vacancy 17797
occurring prior to the expiration of the term for which the 17798
member's predecessor was appointed shall hold office for the 17799
remainder of the term. Any member shall continue in office 17800
subsequent to the expiration date of the member's term until the 17801
member's successor takes office, or until a period of sixty days 17802
has elapsed, whichever occurs first. 17803

The governor shall name one voting member as chairperson of 17804
the commission at the time of making the appointment of any member 17805
for a full term. Three voting members shall constitute a quorum, 17806
and the affirmative vote of three voting members shall be 17807
necessary for any action taken by the commission. No vacancy on 17808
the commission impairs the authority of the remaining members to 17809
exercise all powers of the commission. 17810

Voting members, when engaged in commission duties, shall 17811
receive a per diem compensation determined in accordance with 17812
division (J) of section 124.15 of the Revised Code, and all 17813
members shall receive their actual and necessary expenses incurred 17814
in the performance of their official duties. 17815

~~Each voting member, before entering upon the discharge of the member's duties, shall file a surety bond payable to the treasurer of state in the sum of ten thousand dollars. Each surety bond shall be conditioned upon the faithful performance of the duties of the office, executed by a surety company authorized to transact business in this state, and filed in the office of the secretary of state.~~

The governor may remove any voting member for malfeasance, misfeasance, or nonfeasance in office after giving the member a copy of the charges against the member and affording the member an opportunity for a public hearing, at which the member may be represented by counsel, upon not less than ten days' notice. If the member is removed, the governor shall file a complete statement of all charges made against the member and the governor's finding on the charges in the office of the secretary of state, together with a complete report of the proceedings. The governor's decision shall be final.

Sec. 3773.43. The Ohio athletic commission shall charge the following fees:

(A) For an application for or renewal of a promoter's license for public boxing matches or exhibitions, one hundred dollars.

(B) For an application for or renewal of a license to participate in a public boxing match or exhibition as a contestant, or as a referee, judge, matchmaker, manager, timekeeper, trainer, or second of a contestant, twenty dollars.

(C) For a permit to conduct a public boxing match or exhibition, fifty dollars.

(D) For an application for or renewal of a promoter's license for professional wrestling matches or exhibitions, two hundred dollars.

(E) For a permit to conduct a professional wrestling match or exhibition, one hundred dollars. 17846
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The commission, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 17848
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The executive director shall deposit all fees prescribed by this section ~~shall be paid to the treasurer of state, who shall deposit the fees~~ in the occupational licensing and regulatory fund. 17852
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Sec. 3773.51. The Ohio athletic commission shall appoint from among licensed referees, physicians, timekeepers, and judges the officials for public boxing matches and exhibitions held under sections 3773.31 to 3773.57 of the Revised Code. These officials shall be employed ~~by the commission~~ as provided in section 3773.56 of the Revised Code and shall be paid by the person conducting the match or exhibition. 17856
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Sec. 3773.52. The ~~Ohio athletic commission~~ superintendent of professional regulation shall employ inspectors to attend each public boxing match or exhibition held under a permit issued under section 3773.38 of the Revised Code. Only one inspector shall be assigned to any one facility for any one match or exhibition. Any member of the Ohio athletic commission may act as an inspector, and when acting as an inspector shall be paid as provided in this section. 17863
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The inspector shall monitor the sale of tickets from the premises box office on the day of the match or exhibition and, immediately following the counting of the gross proceeds, obtain a box office statement from the person conducting the match or exhibition and mail it to the commission. The inspector shall have 17871
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complete access to any books, records, and papers pertaining to 17876
the match or exhibition. 17877

The inspector shall give bond in the sum of five thousand 17878
dollars with sufficient sureties to be approved by and made 17879
payable to the treasurer of state. The bond shall be filed with 17880
the secretary of state. The compensation of such inspector for 17881
attending a match or exhibition, and the inspector's actual and 17882
necessary travel expenses, shall be charged to the holder of the 17883
permit at whose facility the inspector serves. The inspector shall 17884
be paid a salary fixed in accordance with Chapter 124. of the 17885
Revised Code. 17886

The inspector may order a prize, remuneration, purse, or any 17887
part thereof withheld from a contestant if the inspector believes 17888
the contestant did not compete to the best of the contestant's 17889
ability. The inspector shall file any charges with the commission 17890
which shall hold an adjudication under Chapter 119. of the Revised 17891
Code and issue a final order within thirty days after the 17892
inspector files charges. 17893

If the commission finds that the contestant did not compete 17894
to the best of the contestant's ability, it may revoke the 17895
contestant's license. When a license is so revoked, any prize, 17896
remuneration, purse, or part thereof that the contestant otherwise 17897
would have received shall be paid to the commission and shall 17898
become the property of the state. 17899

Sec. 3773.56. ~~The~~ In consultation with the Ohio athletic 17900
commission ~~may,~~ the superintendent of professional regulation 17901
shall appoint ~~an~~ the executive director ~~and~~ of the commission. The 17902
superintendent shall employ such additional persons as are 17903
necessary to administer sections 3773.31 to 3773.57 and Chapter 17904
4771. of the Revised Code ~~and fix their compensation. Such~~ 17905
~~executive director and employees shall serve in the unclassified~~ 17906

~~status and at the pleasure of the commission.~~ 17907

~~All The executive director shall deposit all~~ 17908
received by the commission under sections 3773.31 to 3773.57 of 17909
the Revised Code ~~shall be deposited~~ in the occupational licensing 17910
and regulatory fund. All vouchers of the commission shall be 17911
approved by the ~~chairperson of the commission~~ executive director. 17912

Sec. 3905.43. No person, firm, association, partnership, 17913
company, or corporation shall publish or distribute or receive and 17914
print for publication or distribution any advertising matter in 17915
which insurance business is solicited, unless such advertiser has 17916
complied with the laws of this state regulating the business of 17917
insurance, ~~and a certificate of such compliance is issued by the~~ 17918
~~superintendent of insurance.~~ 17919

Sec. 4109.01. As used in this chapter: 17920

(A) "Employ" means to permit or suffer to work. 17921

(B) "Employer" means the state, its political subdivisions, 17922
and every person who employs any individual. 17923

(C) "Enforcement official" means the director of commerce or 17924
the director's authorized representative, the superintendent of 17925
public instruction or the superintendent's authorized 17926
representative, any school attendance officer, any probation 17927
officer, the director of health or the director of health's 17928
authorized representative, and any representative of a local 17929
department of health. 17930

(D) "Minor" means any person less than eighteen years of age. 17931

(E) "Seasonal amusement or recreational establishment" means 17932
both of the following: 17933

(1) An amusement or recreational establishment that does not 17934
operate for more than seven months in any calendar year; 17935

(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year. 17936
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(F) "Labor day" and "Memorial day" have the same meanings as provided for those days in section 1.14 of the Revised Code. 17940
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Sec. 4109.02. (A) Except as provided in division (B) of this section or in section 4109.06 of the Revised Code, no minor of compulsory school age shall be employed by any employer unless the minor presents to the employer a proper age and schooling certificate as a condition of employment. 17942
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A valid certificate constitutes conclusive evidence of the age of the minor and of the employer's right to employ the minor in occupations not denied by law to minors of that age under section 4109.06 of the Revised Code or rules adopted under that section. 17947
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(B) ~~The following minors~~ Minors aged sixteen or seventeen are not required to provide an age and schooling certificate as a condition of employment. 17952
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~~(1) Those who if they~~ are to be employed during summer vacation months after the last day of the school term in the spring and before the first day of the school term in the fall, in nonagricultural and nonhazardous employment as defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, and similar state statutes, or in other employment not prohibited to minors age sixteen or seventeen by law. 17955
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~~(2) Unless required by the superintendent of schools of the school district where the minor resides or by the chief administrative officer of the nonpublic or community school the child attends, those who are to be employed not more than two~~ 17962
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~~months before the last day of the school term in the spring and
not more than two months after the first day of the school term in
the fall by a seasonal amusement or recreational establishment, on
the condition that the following are satisfied:~~

~~(a) For the period prior to Memorial day and after Labor day
while school is in session, they are to be employed only for hours
that occur between the end of the school day on Friday and eleven
p.m. on Sunday.~~

~~(b) For the period from Memorial day until the last day of
the school term in the spring and from the first day of the school
term in the fall until Labor day, they are to be employed only for
hours that occur between the end of the school day and nine p.m.
on Monday through Thursday and only for hours that occur between
the end of the school day on Friday and eleven p.m. on Sunday.~~

(C) To be hired for the type of employment described in
division (B) of this section, minors shall provide the employer
with the following:

(1) Evidence of proof of age in the same manner as proof of
age is provided the superintendent of schools or chief
administrative officer under division (A)(3) of section 3331.02 of
the Revised Code;

(2) A statement signed by the minor's parent or guardian
consenting to the proposed employment. For the purposes of this
section, in the absence of a parent or guardian, a person over
eighteen years of age with whom the minor resides may sign the
statement.

~~(3) An age and schooling certificate if one is required under
division (B)(2) of this section by the superintendent of schools
of the school district where the minor resides or by the chief
administrative officer of the nonpublic or community school the
child attends.~~

(D) As used in this section:	17997
(1) "Labor day" and "Memorial day" have the same meanings as provided for those days in section 1.14 of the Revised Code.	17998
(2) "Seasonal amusement or recreational establishment" means both of the following:	17999
(a) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	18000
(b) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty three and one third per cent of its average receipts for the other six months of that calendar year.	18001
(a) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	18002
(b) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty three and one third per cent of its average receipts for the other six months of that calendar year.	18003
(a) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	18004
(b) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty three and one third per cent of its average receipts for the other six months of that calendar year.	18005
(a) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	18006
(b) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty three and one third per cent of its average receipts for the other six months of that calendar year.	18007
Sec. 4109.06. (A) This chapter does not apply to the following:	18008
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(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;	18010
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(2) Students participating in a vocational program approved by the Ohio department of education;	18013
	18014
(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code;	18015
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(4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment	18023
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given solely for charitable purposes, or by a charitable or religious institution;	18026 18027
(5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;	18028 18029 18030
(6) Minors engaged in the delivery of newspapers to the consumer;	18031 18032
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	18033 18034 18035
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	18036 18037
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	18038 18039
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor camps as defined in section 3733.41 of the Revised Code;	18040 18041 18042 18043 18044
(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.	18045 18046
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:	18047 18048
(1) Minors who work in a sheltered workshop operated by a county board of mental retardation;	18049 18050
(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;	18051 18052 18053
(3) Minors who are employed in agricultural employment and	18054

who do not reside in agricultural labor camps. 18055

(C) Division (D) of section 4109.07 of the Revised Code does 18056
not apply to minors who have their employment hours established as 18057
follows: 18058

(1) A minor adjudicated to be an unruly child or delinquent 18059
child who, as a result of the adjudication, is placed on probation 18060
may either file a petition in the juvenile court in whose 18061
jurisdiction the minor resides, or apply to the superintendent or 18062
to the chief administrative officer who issued the minor's age and 18063
schooling certificate pursuant to section 3331.01 of the Revised 18064
Code, alleging the restrictions on the hours of employment 18065
described in division (D) of section 4109.07 of the Revised Code 18066
will cause a substantial hardship or are not in the minor's best 18067
interests. Upon receipt of a petition or application, the court, 18068
the superintendent, or the chief administrative officer, as 18069
appropriate, shall consult with the person required to supervise 18070
the minor on probation. If after that consultation, the court, the 18071
superintendent, or the chief administrative officer finds the 18072
minor has failed to show the restrictions will result in a 18073
substantial hardship or that the restrictions are not in the 18074
minor's best interests, the court, the superintendent, or the 18075
chief administrative officer shall uphold the restrictions. If 18076
after that consultation, the court, the superintendent, or the 18077
chief administrative officer finds the minor has shown the 18078
restricted hours will cause a substantial hardship or are not in 18079
the minor's best interests, the court, the superintendent, or the 18080
chief administrative officer shall establish differing hours of 18081
employment for the minor and notify the minor and the minor's 18082
employer of those hours, which shall be binding in lieu of the 18083
restrictions on the hours of employment described in division (D) 18084
of section 4109.07 of the Revised Code. 18085

(2) Any minor to whom division (C)(1) of this section does 18086

not apply may either file a petition in the juvenile court in 18087
whose jurisdiction the person resides, or apply to the 18088
superintendent or to the chief administrative officer who issued 18089
the minor's age and schooling certificate pursuant to section 18090
3331.01 of the Revised Code, alleging the restrictions on the 18091
hours of employment described in division (D) of section 4109.07 18092
of the Revised Code will cause a substantial hardship or are not 18093
in the minor's best interests. 18094

If, as a result of a petition or application, the court, the 18095
superintendent, or the chief administrative officer, as 18096
appropriate, finds the minor has failed to show such restrictions 18097
will result in a substantial hardship or that the restrictions are 18098
not in the minor's best interests, the court, the superintendent, 18099
or the chief administrative officer shall uphold the restrictions. 18100
If the court, the superintendent, or the chief administrative 18101
officer finds the minor has shown the restricted hours will cause 18102
a substantial hardship or are not in the minor's best interests, 18103
the court, the superintendent, or the chief administrative officer 18104
shall establish the hours of employment for the minor and shall 18105
notify the minor and the minor's employer of those hours. 18106

(D) Section 4109.03, divisions (A) and (C) of section 18107
4109.02, and division (B) of section 4109.08 of the Revised Code 18108
do not apply to minors who are sixteen or seventeen years of age 18109
and who are employed at a seasonal amusement or recreational 18110
establishment. 18111

(E) As used in this section, "certificate of high school 18112
equivalence" means a statement issued by the state board of 18113
education or an equivalent agency of another state that the holder 18114
of the statement has achieved the equivalent of a high school 18115
education as measured by scores obtained on the tests of general 18116
educational development published by the American council on 18117
education. 18118

Sec. 4109.07. (A) No person under sixteen years of age shall 18119
be employed: 18120

(1) During school hours except where specifically permitted 18121
by this chapter; 18122

(2) Before seven a.m.; 18123

(3) After nine p.m. from the first day of June to the first 18124
day of September or during any school holiday of five school days 18125
or more duration, or after seven p.m. at any other time; 18126

(4) For more than three hours a day in any school day; 18127

(5) For more than eighteen hours in any week while school is 18128
in session; 18129

(6) For more than eight hours in any day which is not a 18130
school day; 18131

(7) For more than forty hours in any week that school is not 18132
in session. 18133

(B) No person under sixteen years of age may be employed more 18134
than forty hours in any one week nor during school hours unless 18135
employment is incidental to bona fide programs of vocational 18136
cooperative training, work-study, or other work- oriented programs 18137
with the purpose of educating students, and the program meets 18138
standards established by the state board of education. 18139

(C) No employer shall employ a minor more than five 18140
consecutive hours without allowing the minor a rest period of at 18141
least thirty minutes. The rest period need not be included in the 18142
computation of the number of hours worked by the minor. 18143

(D) ~~No~~ Except as otherwise specified in division (E) of this 18144
section, no person sixteen or seventeen years of age who is 18145
required to attend school under Chapter 3321. of the Revised Code 18146
shall be employed: 18147

(1) Before seven a.m. on any day that school is in session, 18148
except such person may be employed after six a.m. if the person 18149
was not employed after eight p.m. the previous night; 18150

(2) After eleven p.m. on any night preceding a day that 18151
school is in session. 18152

(E) No person sixteen or seventeen years of age who is 18153
employed at a seasonal or recreational establishment shall be 18154
employed: 18155

(1) Before the end of the school day on Friday and after 18156
eleven p.m. on Sunday, during the period prior to Memorial day and 18157
after Labor day while school is in session. 18158

(2) Before the end of the school day and after nine p.m. on 18159
Monday through Thursday and before the end of the school day on 18160
Friday and after eleven p.m. on Sunday, during the period from 18161
Memorial day until the last day of the school term in the spring 18162
and from the first day of the school term in the fall until Labor 18163
day. 18164

(F) As used in this section, "school" refers to either a 18165
school the child actually attends or a school he is required to 18166
attend pursuant to Chapter 3321. of the Revised Code. 18167

Sec. 4117.01. As used in this chapter: 18168

(A) "Person," in addition to those included in division (C) 18169
of section 1.59 of the Revised Code, includes employee 18170
organizations, public employees, and public employers. 18171

(B) "Public employer" means the state or any political 18172
subdivision of the state located entirely within the state, 18173
including, without limitation, any municipal corporation with a 18174
population of at least five thousand according to the most recent 18175
federal decennial census; county; township with a population of at 18176
least five thousand in the unincorporated area of the township 18177

according to the most recent federal decennial census; school 18178
district; governing authority of a community school established 18179
under Chapter 3314. of the Revised Code; state institution of 18180
higher learning; public or special district; state agency, 18181
authority, commission, or board; or other branch of public 18182
employment. 18183

(C) "Public employee" means any person holding a position by 18184
appointment or employment in the service of a public employer, 18185
including any person working pursuant to a contract between a 18186
public employer and a private employer and over whom the national 18187
labor relations board has declined jurisdiction on the basis that 18188
the involved employees are employees of a public employer, except: 18189

(1) Persons holding elective office; 18190

(2) Employees of the general assembly and employees of any 18191
other legislative body of the public employer whose principal 18192
duties are directly related to the legislative functions of the 18193
body; 18194

(3) Employees on the staff of the governor or the chief 18195
executive of the public employer whose principal duties are 18196
directly related to the performance of the executive functions of 18197
the governor or the chief executive; 18198

(4) Persons who are members of the Ohio organized militia, 18199
while training or performing duty under section 5919.29 or 5923.12 18200
of the Revised Code; 18201

(5) Employees of the state employment relations board; 18202

(6) Confidential employees; 18203

(7) Management level employees; 18204

(8) Employees and officers of the courts, assistants to the 18205
attorney general, assistant prosecuting attorneys, and employees 18206
of the clerks of courts who perform a judicial function; 18207

(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	18208 18209 18210
(10) Supervisors;	18211
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	18212 18213 18214 18215 18216
(12) Employees of county boards of election;	18217
(13) Seasonal and casual employees as determined by the state employment relations board;	18218 18219
(14) Part-time faculty members of an institution of higher education;	18220 18221
(15) Employees of the state personnel board of review;	18222
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	18223 18224 18225 18226 18227 18228
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	18229 18230 18231
(18) Employees who must be licensed to practice law in this state to perform their duties as employees.	18232 18233
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours,	18234 18235 18236 18237

terms, and other conditions of employment. 18238

(E) "Exclusive representative" means the employee 18239
organization certified or recognized as an exclusive 18240
representative under section 4117.05 of the Revised Code. 18241

(F) "Supervisor" means any individual who has authority, in 18242
the interest of the public employer, to hire, transfer, suspend, 18243
lay off, recall, promote, discharge, assign, reward, or discipline 18244
other public employees; to responsibly direct them; to adjust 18245
their grievances; or to effectively recommend such action, if the 18246
exercise of that authority is not of a merely routine or clerical 18247
nature, but requires the use of independent judgment, provided 18248
that: 18249

(1) Employees of school districts who are department 18250
chairpersons or consulting teachers shall not be deemed 18251
supervisors; 18252

(2) With respect to members of a police or fire department, 18253
no person shall be deemed a supervisor except the chief of the 18254
department or those individuals who, in the absence of the chief, 18255
are authorized to exercise the authority and perform the duties of 18256
the chief of the department. Where prior to June 1, 1982, a public 18257
employer pursuant to a judicial decision, rendered in litigation 18258
to which the public employer was a party, has declined to engage 18259
in collective bargaining with members of a police or fire 18260
department on the basis that those members are supervisors, those 18261
members of a police or fire department do not have the rights 18262
specified in this chapter for the purposes of future collective 18263
bargaining. The state employment relations board shall decide all 18264
disputes concerning the application of division (F)(2) of this 18265
section. 18266

(3) With respect to faculty members of a state institution of 18267
higher education, heads of departments or divisions are 18268

supervisors; however, no other faculty member or group of faculty 18269
members is a supervisor solely because the faculty member or group 18270
of faculty members participate in decisions with respect to 18271
courses, curriculum, personnel, or other matters of academic 18272
policy; 18273

(4) No teacher as defined in section 3319.09 of the Revised 18274
Code shall be designated as a supervisor or a management level 18275
employee unless the teacher is employed under a contract governed 18276
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 18277
is assigned to a position for which a license deemed to be for 18278
administrators under state board rules is required pursuant to 18279
section 3319.22 of the Revised Code. 18280

(G) "To bargain collectively" means to perform the mutual 18281
obligation of the public employer, by its representatives, and the 18282
representatives of its employees to negotiate in good faith at 18283
reasonable times and places with respect to wages, hours, terms, 18284
and other conditions of employment and the continuation, 18285
modification, or deletion of an existing provision of a collective 18286
bargaining agreement, with the intention of reaching an agreement, 18287
or to resolve questions arising under the agreement. "To bargain 18288
collectively" includes executing a written contract incorporating 18289
the terms of any agreement reached. The obligation to bargain 18290
collectively does not mean that either party is compelled to agree 18291
to a proposal nor does it require the making of a concession. 18292

(H) "Strike" means continuous concerted action in failing to 18293
report to duty; willful absence from one's position; or stoppage 18294
of work in whole from the full, faithful, and proper performance 18295
of the duties of employment, for the purpose of inducing, 18296
influencing, or coercing a change in wages, hours, terms, and 18297
other conditions of employment. "Strike" does not include a 18298
stoppage of work by employees in good faith because of dangerous 18299
or unhealthful working conditions at the place of employment that 18300

are abnormal to the place of employment.

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(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Unauthorized strike" includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of a collective bargaining agreement or during or after the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code.

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(J) "Professional employee" means any employee engaged in work that is predominantly intellectual, involving the consistent exercise of discretion and judgment in its performance and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship; or an employee who has completed the courses of specialized intellectual instruction and is performing related work under the supervision of a professional person to become qualified as a professional employee.

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(K) "Confidential employee" means any employee who works in the personnel offices of a public employer and deals with information to be used by the public employer in collective bargaining; or any employee who works in a close continuing relationship with public officers or representatives directly

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participating in collective bargaining on behalf of the employer. 18333

(L) "Management level employee" means an individual who 18334
formulates policy on behalf of the public employer, who 18335
responsibly directs the implementation of policy, or who may 18336
reasonably be required on behalf of the public employer to assist 18337
in the preparation for the conduct of collective negotiations, 18338
administer collectively negotiated agreements, or have a major 18339
role in personnel administration. Assistant superintendents, 18340
principals, and assistant principals whose employment is governed 18341
by section 3319.02 of the Revised Code are management level 18342
employees. With respect to members of a faculty of a state 18343
institution of higher education, no person is a management level 18344
employee because of the person's involvement in the formulation or 18345
implementation of academic or institution policy. 18346

(M) "Wages" means hourly rates of pay, salaries, or other 18347
forms of compensation for services rendered. 18348

(N) "Member of a police department" means a person who is in 18349
the employ of a police department of a municipal corporation as a 18350
full-time regular police officer as the result of an appointment 18351
from a duly established civil service eligibility list or under 18352
section 737.15 or 737.16 of the Revised Code, a full-time deputy 18353
sheriff appointed under section 311.04 of the Revised Code, a 18354
township constable appointed under section 509.01 of the Revised 18355
Code, or a member of a township police district police department 18356
appointed under section 505.49 of the Revised Code. 18357

(O) "Members of the state highway patrol" means highway 18358
patrol troopers and radio operators appointed under section 18359
5503.01 of the Revised Code. 18360

(P) "Member of a fire department" means a person who is in 18361
the employ of a fire department of a municipal corporation or a 18362
township as a fire cadet, full-time regular firefighter, or 18363

promoted rank as the result of an appointment from a duly 18364
established civil service eligibility list or under section 18365
505.38, 709.012, or 737.22 of the Revised Code. 18366

(Q) "Day" means calendar day. 18367

Sec. 4303.207. (A) As used in this section: 18368

(1) "Nonprofit organization" means any unincorporated 18369
association or nonprofit corporation that is not formed for the 18370
pecuniary gain or profit of, and whose net earnings or any part of 18371
whose net earnings is not distributable to, its members, trustees, 18372
directors, officers, or other private persons. 18373

(2) "Qualified golf event" means a golf tournament or other 18374
golf competition event that meets all of the following 18375
requirements: 18376

(a) It is hosted by the nonprofit organization to which an 18377
F-7 permit is issued. 18378

(b) It is sanctioned by a recognized national golf 18379
organization. 18380

(c) It includes the sale of food for consumption on the 18381
premises for which an F-7 permit is issued. 18382

(d) Contributions to charity are made from the proceeds of 18383
the event that equal in the aggregate at least two hundred 18384
thousand dollars. 18385

(3) "Recognized national golf organization" means any of the 18386
following: 18387

(a) The United States golf association; 18388

(b) The professional golf association of America (PGA); 18389

(c) The PGA tour, including the champions tour and the 18390
nationwide tour; 18391

<u>(d) The LPGA tour;</u>	18392
<u>(e) The successors of any organization listed in divisions</u>	18393
<u>(A)(3)(a) to (d) of this section.</u>	18394
<u>(B) An F-7 permit may be issued to a nonprofit organization</u>	18395
<u>to sell beer, wine, mixed beverages, and spirituous liquor by the</u>	18396
<u>individual drink at a qualified golf event being held on premises</u>	18397
<u>located in a political subdivision or part of a political</u>	18398
<u>subdivision where the sale of beer, wine, mixed beverages, and</u>	18399
<u>spirituous liquor is otherwise permitted by law on that day, if</u>	18400
<u>both of the following requirements are met:</u>	18401
<u>(1) The superintendent of liquor control is satisfied that</u>	18402
<u>the organization is a nonprofit organization. For this purpose,</u>	18403
<u>the superintendent may accept as proof a sworn statement by the</u>	18404
<u>president or other chief executive officer of the applicant</u>	18405
<u>organization.</u>	18406
<u>(2) The superintendent is satisfied that the event for which</u>	18407
<u>the F-7 permit is sought to be issued is a qualified golf event.</u>	18408
<u>For this purpose, the superintendent may accept as proof a sworn</u>	18409
<u>statement by the president or other chief executive officer of the</u>	18410
<u>applicant organization.</u>	18411
<u>(C) The premises for which the F-7 permit is issued shall</u>	18412
<u>meet all of the following requirements:</u>	18413
<u>(1) Be owned or leased by the nonprofit organization to which</u>	18414
<u>the F-7 permit issued;</u>	18415
<u>(2) Be limited to areas in which the qualified golf event is</u>	18416
<u>conducted and to other areas that are contiguous to those areas in</u>	18417
<u>which the qualified golf event is conducted, which areas are</u>	18418
<u>specifically designated for food and beverage consumption and</u>	18419
<u>hospitality for the qualified golf event;</u>	18420
<u>(3) Be clearly defined;</u>	18421

(4) Be sufficiently restricted to allow proper supervision of 18422
use of the permit by state and local law enforcement personnel. 18423

(D) A nonprofit organization to which an F-7 permit is issued 18424
shall be held responsible for any conduct that violates the laws 18425
pertaining to the sale of beer, wine, mixed beverages, or 18426
spirituous liquor. 18427

(E) The division of liquor control shall prepare and make 18428
available an F-7 permit application form and may require 18429
applicants for the permit to provide information that, in addition 18430
to the information required by this section, is necessary for the 18431
administration of this section. 18432

(F) An F-7 permit shall be effective for a period not to 18433
exceed eight consecutive days. The division of liquor control 18434
shall not issue more than two F-7 permits per calendar year to the 18435
same nonprofit organization. The fee for an F-7 permit is four 18436
hundred fifty dollars. 18437

Sec. 4303.29. (A) No permit, other than an H permit, shall be 18438
issued to a firm or partnership unless all the members of the firm 18439
or partnership are citizens of the United States and a majority 18440
have resided in this state for one year prior to application for 18441
the permit. No permit, other than an H permit, shall be issued to 18442
an individual who is not a citizen of the United States who has 18443
resided in this state for at least one year prior to application 18444
for the permit. No permit, other than an E or H permit, shall be 18445
issued to any corporation organized under the laws of any country, 18446
territory, or state other than this state until it has furnished 18447
the division of liquor control with evidence that it has complied 18448
with the laws of this state relating to the transaction of 18449
business in this state. 18450

The division may refuse to issue any permit to or refuse to 18451

renew any permit of any person convicted of any felony that is
reasonably related to the person's fitness to operate a liquor
permit business in this state. No holder of a permit shall sell,
assign, transfer, or pledge the permit without the written consent
of the division.

(B)(1) No more than one of each type of C or D permit shall
be issued to any one person, firm, or corporation in any county
having a population of less than twenty-five thousand, and no more
than one of each type of C or D permit shall be issued to any one
person, firm, or corporation for any additional twenty-five
thousand or major fraction thereof in any county having a greater
population than twenty-five thousand, provided that, in the case
of D-3, D-3a, D-4, and D-5 permits, no more than one permit shall
be issued to any one person, firm, or corporation in any county
having a population of less than fifty thousand, and no more than
one such permit shall be issued to any one person, firm, or
corporation for any additional fifty thousand or major fraction
thereof in any county having a greater population than fifty
thousand.

(2) No D-3 permit shall be issued to any club unless the club
has been continuously engaged in the activity specified in section
4303.15 of the Revised Code, as a qualification for that class of
permit, for two years at the time the permit is issued.

(3)(a) Subject to division (B)(3)(b) of this section, upon
application by properly qualified persons, one C-1 and C-2 permit
shall be issued for each one thousand population or part of that
population, and one D-1 and D-2 permit shall be issued for each
two thousand population or part of that population, in each
municipal corporation and in the unincorporated area of each
township.

Subject to division (B)(3)(b) of this section, not more than

one D-3, D-4, or D-5 permit shall be issued for each two thousand
population or part of that population in any municipal corporation
and in the unincorporated area of any township, except that, in
any city of a population of fifty-five thousand or more, one D-3
permit may be issued for each fifteen hundred population or part
of that population.

(b)(i) Division (B)(3)(a) of this section does not prohibit
the transfer of location or the transfer of ownership and location
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal
corporation or the unincorporated area of a township in which the
number of permits of that class exceeds the number of such permits
authorized to be issued under division (B)(3)(a) of this section
to an economic development project located in another municipal
corporation or the unincorporated area of another township in
which no additional permits of that class may be issued to the
applicant under division (B)(3)(a) of this section, but the
transfer of location or transfer of ownership and location of the
permit may occur only if the applicant notifies the municipal
corporation or township to which the location of the permit will
be transferred regarding the transfer and that municipal
corporation or township acknowledges in writing to the division of
liquor control, at the time the application for the transfer of
location or transfer of ownership and location of the permit is
filed, that the transfer will be to an economic development
project. This acknowledgment by the municipal corporation or
township does not prohibit it from requesting a hearing under
section 4303.26 of the Revised Code. The applicant is eligible to
apply for and receive the transfer of location of the permit under
division (B)(3)(b) of this section if all permits of that class
that may be issued under division (B)(3)(a) of this section in the
applicable municipal corporation or unincorporated area of the
township have already been issued or if the number of applications

filed for permits of that class in that municipal corporation or 18515
the unincorporated area of that township exceed the number of 18516
permits of that class that may be issued there under division 18517
(B)(3)(a) of this section. 18518

A permit transferred under division (B)(3)(b) of this section 18519
may be subsequently transferred to a different owner at the same 18520
location, or to the same owner or a different owner at a different 18521
location in the same municipal corporation or in the 18522
unincorporated area of the same township, as long as the same or 18523
new location meets the economic development project criteria set 18524
forth in this section. 18525

(ii) Factors that shall be used to determine the designation 18526
of an economic development project include, but are not limited 18527
to, architectural certification of the plans and the cost of the 18528
project, the number of jobs that will be created by the project, 18529
projected earnings of the project, projected tax revenues for the 18530
political subdivisions in which the project will be located, and 18531
the amount of financial investment in the project. The 18532
superintendent of liquor control shall determine whether the 18533
existing or proposed business that is seeking a permit described 18534
in division (B)(3)(b) of this section qualifies as an economic 18535
development project and, if the superintendent determines that it 18536
so qualifies, shall designate the business as an economic 18537
development project. 18538

(4) Nothing in this section shall be construed to restrict 18539
the issuance of a permit to a municipal corporation for use at a 18540
municipally owned airport at which commercial airline companies 18541
operate regularly scheduled flights on which space is available to 18542
the public. A municipal corporation applying for a permit for such 18543
a municipally owned airport is exempt, in regard to that 18544
application, from the population restrictions contained in this 18545
section and from population quota restrictions contained in any 18546

rule of the liquor control commission. A municipal corporation 18547
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 18548
municipally owned airport is subject to section 4303.31 of the 18549
Revised Code. 18550

(5) Nothing in this section shall be construed to prohibit 18551
the issuance of a D permit to the board of trustees of a soldiers' 18552
memorial for a premises located at a soldiers' memorial 18553
established pursuant to Chapter 345. of the Revised Code. An 18554
application for a D permit by the board for those premises is 18555
exempt from the population restrictions contained in this section 18556
and from the population quota restrictions contained in any rule 18557
of the liquor control commission. The location of a D permit 18558
issued to the board for those premises shall not be transferred. A 18559
board of trustees of a soldiers' memorial applying for a D-1, D-2, 18560
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 18561
section 4303.31 of the Revised Code. 18562

(6) Nothing in this section shall be construed to restrict 18563
the issuance of a permit for a premises located at a golf course 18564
owned by a municipal corporation, township, or county, owned by a 18565
park district created under Chapter 1545. of the Revised Code, or 18566
owned by the state. The location of such a permit issued on or 18567
after September 26, 1984, for a premises located at such a golf 18568
course shall not be transferred. Any application for such a permit 18569
is exempt from the population quota restrictions contained in this 18570
section and from the population quota restrictions contained in 18571
any rule of the liquor control commission. A municipal 18572
corporation, township, county, park district, or state agency 18573
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 18574
course is subject to section 4303.31 of the Revised Code. 18575

(7) As used in division (B)(7) of this section, "fair" has 18576
the same meaning as in section 991.01 of the Revised Code; "state 18577
fairgrounds" means the property that is held by the state for the 18578

purpose of conducting fairs, expositions, and exhibits and that is 18579
maintained and managed by the Ohio expositions commission under 18580
section 991.03 of the Revised Code, ~~and~~; "capitol square" has the 18581
same meaning as in section 105.41 of the Revised Code; and "Ohio 18582
judicial center" means the site of the Ohio supreme court and its 18583
grounds. 18584

Nothing in this section shall be construed to restrict the 18585
issuance of one or more D permits to one or more applicants for 18586
all or a part of ~~either~~ the state fairgrounds ~~or~~, capitol square, 18587
or the Ohio judicial center. An application for a D permit for the 18588
state fairgrounds ~~or~~, capitol square, or the Ohio judicial center 18589
is exempt from the population quota restrictions contained in this 18590
section and from the population quota restrictions contained in 18591
any rule of the liquor control commission. The location of a D 18592
permit issued for the state fairgrounds ~~or~~, capitol square, or the 18593
Ohio judicial center shall not be transferred. An applicant for a 18594
D-1, D-2, D-3, or D-5 permit for the state fairgrounds is not 18595
subject to section 4303.31 of the Revised Code. 18596

Pursuant to section 1711.09 of the Revised Code, the holder 18597
of a D permit issued for the state fairgrounds shall not deal in 18598
spirituous liquor at the state fairgrounds during, or for one week 18599
before or for three days after, any fair held at the state 18600
fairgrounds. 18601

(8) Nothing in this section shall be construed to prohibit 18602
the issuance of a D permit for a premises located at a zoological 18603
park at which sales have been approved in an election held under 18604
former section 4301.356 of the Revised Code. An application for a 18605
D permit for such a premises is exempt from the population 18606
restrictions contained in this section, from the population quota 18607
restrictions contained in any rule of the liquor control 18608
commission, and from section 4303.31 of the Revised Code. The 18609
location of a D permit issued for a premises at such a zoological 18610

park shall not be transferred, and no quota or other restrictions 18611
shall be placed on the number of D permits that may be issued for 18612
a premises at such a zoological park. 18613

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 18614
any election precinct in any municipal corporation or in any 18615
election precinct in the unincorporated area of any township, in 18616
which at the November, 1933, election a majority of the electors 18617
voting thereon in the municipal corporation or in the 18618
unincorporated area of the township voted against the repeal of 18619
Section 9 of Article XV, Ohio Constitution, unless the sale of 18620
spirituous liquor by the glass is authorized by a majority vote of 18621
the electors voting on the question in the precinct at an election 18622
held pursuant to this section or by a majority vote of the 18623
electors of the precinct voting on question (C) at a special local 18624
option election held in the precinct pursuant to section 4301.35 18625
of the Revised Code. Upon the request of an elector, the board of 18626
elections of the county that encompasses the precinct shall 18627
furnish the elector with a copy of the instructions prepared by 18628
the secretary of state under division (P) of section 3501.05 of 18629
the Revised Code and, within fifteen days after the request, a 18630
certificate of the number of signatures required for a valid 18631
petition under this section. 18632

Upon the petition of thirty-five per cent of the total number 18633
of voters voting in any such precinct for the office of governor 18634
at the preceding general election, filed with the board of 18635
elections of the county in which such precinct is located not 18636
later than seventy-five days before a general election, the board 18637
shall prepare ballots and hold an election at such general 18638
election upon the question of allowing spirituous liquor to be 18639
sold by the glass in such precinct. The ballots shall be approved 18640
in form by the secretary of state. The results of the election 18641
shall be certified by the board to the secretary of state, who 18642

shall certify the results to the division. 18643

(2) No holder of a class D-3 permit issued for a boat or 18644
vessel shall sell spirituous liquor in any precinct, in which the 18645
election provided for in this section may be held, unless the sale 18646
of spirituous liquor by the drink has been authorized by vote of 18647
the electors as provided in this section or in section 4301.35 of 18648
the Revised Code. 18649

(D) Any holder of a C or D permit whose permit premises were 18650
purchased in 1986 or 1987 by the state ~~of Ohio~~ or any state agency 18651
for highway purposes shall be issued the same permit at another 18652
location notwithstanding any quota restrictions contained in this 18653
chapter or in any rule of the liquor control commission. 18654

Sec. 4501.31. (A) No driver's license, commercial driver's 18655
license, temporary instruction permit, and identification card 18656
issued by the registrar of motor vehicles or a deputy registrar on 18657
or after ~~the effective date of this amendment~~ February 1, 2002, 18658
shall display the social security number of the person to whom the 18659
license, permit, or card is issued ~~unless the person to whom the~~ 18660
~~license, permit, or card is to be issued specifically requests~~ 18661
~~that the person's social security number be displayed on the~~ 18662
~~license, permit, or card. If federal law requires the person's~~ 18663
~~social security number to be displayed on the license, permit, or~~ 18664
~~card, the social security number shall be displayed on the~~ 18665
~~license, permit, or card notwithstanding this division.~~ 18666

(B) For purposes of compliance with ~~subparagraph (b)(1)(B) of~~ 18667
~~section 656 of Public Law No. 104-208, as statutorily noted under~~ 18668
~~5 U.S.C.A. 301 federal law,~~ the registrar shall may do both of the 18669
following: 18670

(1) Require every applicant for a driver's license, temporary 18671
instruction permit, commercial driver's license, or identification 18672

card to submit the applicant's social security number, if one has
been assigned; 18673
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(2) Verify that the number is valid. 18675

Sec. 4506.11. (A) Every commercial driver's license shall be 18676
marked "commercial driver's license" or "CDL" and shall be of such 18677
material and so designed as to prevent its reproduction or 18678
alteration without ready detection, and, to this end, shall be 18679
laminated with a transparent plastic material. The commercial 18680
driver's license for licensees under twenty-one years of age shall 18681
have characteristics prescribed by the registrar of motor vehicles 18682
distinguishing it from that issued to a licensee who is twenty-one 18683
years of age or older. Every commercial driver's license shall 18684
display all of the following information: 18685

(1) The name and residence address of the licensee; 18686

(2) A color photograph of the licensee showing the licensee's
uncovered face; 18687
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(3) A physical description of the licensee, including sex,
height, weight, and color of eyes and hair; 18689
18690

(4) The licensee's date of birth; 18691

(5) ~~The licensee's social security number if the person has~~ 18692
~~requested that the number be displayed in accordance with section~~ 18693
~~4501.31 of the Revised Code or if federal law requires the social~~ 18694
~~security number to be displayed and any~~ Any number or other 18695
identifier the director of public safety considers appropriate and 18696
establishes by rules adopted under Chapter 119. of the Revised 18697
Code and in compliance with federal law; 18698

(6) The licensee's signature; 18699

(7) The classes of commercial motor vehicles the licensee is
authorized to drive and any endorsements or restrictions relating 18700
18701

to the licensee's driving of those vehicles; 18702

(8) The name of this state; 18703

(9) The dates of issuance and of expiration of the license; 18704

(10) If the licensee has certified willingness to make an 18705
anatomical donation under section 2108.04 of the Revised Code, any 18706
symbol chosen by the registrar of motor vehicles to indicate that 18707
the licensee has certified that willingness; 18708

(11) If the licensee has executed a durable power of attorney 18709
for health care or a declaration governing the use or 18710
continuation, or the withholding or withdrawal, of life-sustaining 18711
treatment and has specified that the licensee wishes the license 18712
to indicate that the licensee has executed either type of 18713
instrument, any symbol chosen by the registrar to indicate that 18714
the licensee has executed either type of instrument; 18715

(12) Any other information the registrar considers advisable 18716
and requires by rule. 18717

(B) No license shall display the licensee's social security 18718
number. 18719

(C) The registrar may establish and maintain a file of 18720
negatives of photographs taken for the purposes of this section. 18721

~~(C)~~(D) Neither the registrar nor any deputy registrar shall 18722
issue a commercial driver's license to anyone under twenty-one 18723
years of age that does not have the characteristics prescribed by 18724
the registrar distinguishing it from the commercial driver's 18725
license issued to persons who are twenty-one years of age or 18726
older. 18727

~~(D)~~(E) Whoever violates division ~~(C)~~(D) of this section is 18728
guilty of a minor misdemeanor. 18729

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 18730

a driver's license to every person licensed as an operator of 18731
motor vehicles other than commercial motor vehicles. No person 18732
licensed as a commercial motor vehicle driver under Chapter 4506. 18733
of the Revised Code need procure a driver's license, but no person 18734
shall drive any commercial motor vehicle unless licensed as a 18735
commercial motor vehicle driver. 18736

Every driver's license shall display on it the distinguishing 18737
number assigned to the licensee and shall display the licensee's 18738
name and date of birth; the licensee's residence address and 18739
county of residence; a color photograph of the licensee; a brief 18740
description of the licensee for the purpose of identification; a 18741
facsimile of the signature of the licensee as it appears on the 18742
application for the license; a notation, in a manner prescribed by 18743
the registrar, indicating any condition described in division 18744
(D)(3) of section 4507.08 of the Revised Code to which the 18745
licensee is subject; if the licensee has executed a durable power 18746
of attorney for health care or a declaration governing the use or 18747
continuation, or the withholding or withdrawal, of life-sustaining 18748
treatment and has specified that the licensee wishes the license 18749
to indicate that the licensee has executed either type of 18750
instrument, any symbol chosen by the registrar to indicate that 18751
the licensee has executed either type of instrument; and any 18752
additional information that the registrar requires by rule. ~~No~~ 18753

~~No~~ license shall display the licensee's social security 18754
number ~~unless the licensee specifically requests that the~~ 18755
~~licensee's social security number be displayed on the license. If~~ 18756
~~federal law requires the licensee's social security number to be~~ 18757
~~displayed on the license, the social security number shall be~~ 18758
~~displayed on the license notwithstanding this section.~~ 18759

The driver's license for licensees under twenty-one years of 18760
age shall have characteristics prescribed by the registrar 18761
distinguishing it from that issued to a licensee who is twenty-one 18762

years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

The driver's license issued to a temporary resident shall contain the word "nonrenewable" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been licensed to operate a motorcycle by this state or another jurisdiction recognized by this state. The "novice" designation shall be effective for one year after the date of issuance of the motorcycle operator's endorsement or license.

Each license issued under this section shall be of such material and so designed as to prevent its reproduction or alteration without ready detection and, to this end, shall be laminated with a transparent plastic material.

(B) Except in regard to a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue a driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the driver's license issued to persons who are twenty-one years of age or older.

(C) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

Sec. 4507.52. (A) Each identification card issued by the 18794
registrar of motor vehicles or a deputy registrar shall display a 18795
distinguishing number assigned to the cardholder, and shall 18796
display the following inscription: 18797

"STATE OF OHIO IDENTIFICATION CARD 18798

This card is not valid for the purpose of operating a motor 18799
vehicle. It is provided solely for the purpose of establishing the 18800
identity of the bearer described on the card, who currently is not 18801
licensed to operate a motor vehicle in the state of Ohio." 18802

The identification card shall display substantially the same 18803
information as contained in the application and as described in 18804
division (A)(1) of section 4507.51 of the Revised Code, but shall 18805
not display the cardholder's social security number ~~unless the~~ 18806
~~cardholder specifically requests that the cardholder's social~~ 18807
~~security number be displayed on the card. If federal law requires~~ 18808
~~the cardholder's social security number to be displayed on the~~ 18809
~~identification card, the social security number shall be displayed~~ 18810
~~on the card notwithstanding this section.~~ The identification card 18811
also shall display the color photograph of the cardholder. If the 18812
cardholder has executed a durable power of attorney for health 18813
care or a declaration governing the use or continuation, or the 18814
withholding or withdrawal, of life-sustaining treatment and has 18815
specified that the cardholder wishes the identification card to 18816
indicate that the cardholder has executed either type of 18817
instrument, the card also shall display any symbol chosen by the 18818
registrar to indicate that the cardholder has executed either type 18819
of instrument. The card shall be sealed in transparent plastic or 18820
similar material and shall be so designed as to prevent its 18821
reproduction or alteration without ready detection. 18822

The identification card for persons under twenty-one years of 18823
age shall have characteristics prescribed by the registrar 18824

distinguishing it from that issued to a person who is twenty-one 18825
years of age or older, except that an identification card issued 18826
to a person who applies no more than thirty days before the 18827
applicant's twenty-first birthday shall have the characteristics 18828
of an identification card issued to a person who is twenty-one 18829
years of age or older. 18830

Every identification card issued to a resident of this state 18831
shall expire, unless canceled or surrendered earlier, on the 18832
birthday of the cardholder in the fourth year after the date on 18833
which it is issued. Every identification card issued to a 18834
temporary resident shall expire in accordance with rules adopted 18835
by the registrar and is nonrenewable, but may be replaced with a 18836
new identification card upon the applicant's compliance with all 18837
applicable requirements. A cardholder may renew the cardholder's 18838
identification card within ninety days prior to the day on which 18839
it expires by filing an application and paying the prescribed fee 18840
in accordance with section 4507.50 of the Revised Code. 18841

If a cardholder applies for a driver's or commercial driver's 18842
license in this state or another licensing jurisdiction, the 18843
cardholder shall surrender the cardholder's identification card to 18844
the registrar or any deputy registrar before the license is 18845
issued. 18846

(B) If a card is lost, destroyed, or mutilated, the person to 18847
whom the card was issued may obtain a duplicate by doing both of 18848
the following: 18849

(1) Furnishing suitable proof of the loss, destruction, or 18850
mutilation to the registrar or a deputy registrar; 18851

(2) Filing an application and presenting documentary evidence 18852
under section 4507.51 of the Revised Code. 18853

Any person who loses a card and, after obtaining a duplicate, 18854
finds the original, immediately shall surrender the original to 18855

the registrar or a deputy registrar. 18856

A cardholder may obtain a replacement identification card 18857
that reflects any change of the cardholder's name by furnishing 18858
suitable proof of the change to the registrar or a deputy 18859
registrar and surrendering the cardholder's existing card. 18860

When a cardholder applies for a duplicate or obtains a 18861
replacement identification card, the cardholder shall pay a fee of 18862
two dollars and fifty cents. A deputy registrar shall be allowed 18863
an additional fee of two dollars and seventy-five cents commencing 18864
on July 1, 2001, three dollars and twenty-five cents commencing on 18865
January 1, 2003, and three dollars and fifty cents commencing on 18866
January 1, 2004, for issuing a duplicate or replacement 18867
identification card. A disabled veteran who is a cardholder and 18868
has a service-connected disability rated at one hundred per cent 18869
by the veterans' administration may apply to the registrar or a 18870
deputy registrar for the issuance of a duplicate or replacement 18871
identification card without payment of any fee prescribed in this 18872
section, and without payment of any lamination fee if the disabled 18873
veteran would not be required to pay a lamination fee in 18874
connection with the issuance of an identification card or 18875
temporary identification card as provided in division (B) of 18876
section 4507.50 of the Revised Code. 18877

A duplicate or replacement identification card shall expire 18878
on the same date as the card it replaces. 18879

(C) The registrar shall cancel any card upon determining that 18880
the card was obtained unlawfully, issued in error, or was altered. 18881
The registrar also shall cancel any card that is surrendered to 18882
the registrar or to a deputy registrar after the holder has 18883
obtained a duplicate, replacement, or driver's or commercial 18884
driver's license. 18885

(D)(1) No agent of the state or its political subdivisions 18886

shall condition the granting of any benefit, service, right, or
privilege upon the possession by any person of an identification
card. Nothing in this section shall preclude any publicly operated
or franchised transit system from using an identification card for
the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or
possess an identification card.

(E) Except in regard to an identification card issued to a
person who applies no more than thirty days before the applicant's
twenty-first birthday, neither the registrar nor any deputy
registrar shall issue an identification card to a person under
twenty-one years of age that does not have the characteristics
prescribed by the registrar distinguishing it from the
identification card issued to persons who are twenty-one years of
age or older.

(F) Whoever violates division (E) of this section is guilty
of a minor misdemeanor.

Sec. 4513.263. (A) As used in this section and in section
4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car,
commercial car, or truck that is required to be factory-equipped
with an occupant restraining device for the operator or any
passenger by regulations adopted by the United States secretary of
transportation pursuant to the "National Traffic and Motor Vehicle
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt,
shoulder belt, harness, or other safety device for restraining a
person who is an operator of or passenger in an automobile and
that satisfies the minimum federal vehicle safety standards
established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway

unless that person is wearing all of the available elements of a 18947
properly adjusted occupant restraining device; 18948

(4) Operate a taxicab on any street or highway unless all 18949
factory-equipped occupant restraining devices in the taxicab are 18950
maintained in usable form. 18951

(C) Division (B)(3) of this section does not apply to a 18952
person who is required by section 4511.81 of the Revised Code to 18953
be secured in a child restraint device. Division (B)(1) of this 18954
section does not apply to a person who is an employee of the 18955
United States postal service or of a newspaper home delivery 18956
service, during any period in which the person is engaged in the 18957
operation of an automobile to deliver mail or newspapers to 18958
addressees. Divisions (B)(1) and (3) of this section do not apply 18959
to a person who has an affidavit signed by a physician licensed to 18960
practice in this state under Chapter 4731. of the Revised Code or 18961
a chiropractor licensed to practice in this state under Chapter 18962
4734. of the Revised Code that states that the person has a 18963
physical impairment that makes use of an occupant restraining 18964
device impossible or impractical. 18965

(D) Notwithstanding any provision of law to the contrary, no 18966
law enforcement officer shall cause an operator of an automobile 18967
being operated on any street or highway to stop the automobile for 18968
the sole purpose of determining whether a violation of division 18969
(B) of this section has been or is being committed or for the sole 18970
purpose of issuing a ticket, citation, or summons for a violation 18971
of that nature or causing the arrest of or commencing a 18972
prosecution of a person for a violation of that nature, and no law 18973
enforcement officer shall view the interior or visually inspect 18974
any automobile being operated on any street or highway for the 18975
sole purpose of determining whether a violation of that nature has 18976
been or is being committed. 18977

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit as follows:

(1) Eight per cent shall be deposited into the seat belt education fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish a seat belt education program.

(2) Eight per cent shall be deposited into the elementary school program fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish and administer elementary school programs that encourage seat safety belt use.

(3) Two per cent shall be deposited into the ~~Ohio medical transportation trust fund created by section 4766.05~~ occupational licensing and regulatory fund, for the purpose of administration and enforcement of Chapter 4766. of the Revised Code by the Ohio medical transportation board.

(4) Twenty-eight per cent shall be deposited into the trauma and emergency medical services fund, which is hereby created in the state treasury, and shall be used by the department of public safety for the administration of the division of emergency medical services and the state board of emergency medical services.

(5) Fifty-four per cent shall be deposited into the trauma and emergency medical services grants fund, which is hereby created in the state treasury, and shall be used by the state board of emergency medical services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code.

(F)(1) Subject to division (F)(2) of this section, the

failure of a person to wear all of the available elements of a
properly adjusted occupant restraining device in violation of
division (B)(1) or (3) of this section or the failure of a person
to ensure that each minor who is a passenger of an automobile
being operated by that person is wearing all of the available
elements of a properly adjusted occupant restraining device in
violation of division (B)(2) of this section shall not be
considered or used by the trier of fact in a tort action as
evidence of negligence or contributory negligence. But, the trier
of fact may determine based on evidence admitted consistent with
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure
contributed to the harm alleged in the tort action and may
diminish a recovery of compensatory damages that represents
noneconomic loss, as defined in section 2307.011 of the Revised
Code, in a tort action that could have been recovered but for the
plaintiff's failure to wear all of the available elements of a
properly adjusted occupant restraining device. Evidence of that
failure shall not be used as a basis for a criminal prosecution of
the person other than a prosecution for a violation of this
section; and shall not be admissible as evidence in a criminal
action involving the person other than a prosecution for a
violation of this section.

(2) If, at the time of an accident involving a passenger car
equipped with occupant restraining devices, any occupant of the
passenger car who sustained injury or death was not wearing an
available occupant restraining device, was not wearing all of the
available elements of such a device, or was not wearing such a
device as properly adjusted, then, consistent with the Rules of
Evidence, the fact that the occupant was not wearing the available
occupant restraining device, was not wearing all of the available
elements of such a device, or was not wearing such a device as
properly adjusted is admissible in evidence in relation to any

claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.

Sec. 4709.05. In consultation with the barber board, the superintendent of professional regulation shall appoint the executive director of the board. The superintendent shall employ such additional persons as are necessary to administer this chapter.

In addition to any other duty imposed on the barber board under this chapter, the board shall do all of the following:

(A) Organize by electing a chairperson from its members to serve a one-year term;

(B) Hold regular meetings, at the times and places as it 19070
determines for the purpose of conducting the examinations required 19071
under this chapter, and hold additional meetings for the 19072
transaction of necessary business; 19073

(C) Provide for suitable quarters, in the city of Columbus, 19074
for the conduct of its business and the maintenance of its 19075
records; 19076

(D) Adopt a common seal for the authentication of its orders, 19077
communications, and records; 19078

(E) Maintain a record of its proceedings and a register of 19079
persons licensed as barbers. The register shall include each 19080
licensee's name, place of business, residence, and licensure date 19081
and number, and a record of all licenses issued, refused, renewed, 19082
suspended, or revoked. The records are open to public inspection 19083
at all reasonable times. 19084

(F) Annually, on or before the first day of January, make a 19085
report to the governor of all its official acts during the 19086
preceding year, its receipts and disbursements, recommendations it 19087
determines appropriate, and an evaluation of board activities 19088
intended to aid or protect consumers of barber services; 19089

(G) ~~Employ an executive director who shall do all things 19090
requested by the board for the administration and enforcement of 19091
this chapter. The executive director shall employ inspectors, 19092
clerks, and other assistants as the executive director determines 19093
necessary. 19094~~

~~(H)~~ Ensure that the practice of barbering is conducted only 19095
in a licensed barber shop, except when the practice of barbering 19096
is performed on a person whose physical or mental disability 19097
prevents that person from going to a licensed barber shop; 19098

~~(I)~~(H) Conduct or have conducted the examination for 19099

applicants to practice as licensed barbers at least four times per 19100
year at the times and places the board determines; 19101

~~(J)~~(I) Adopt rules, in accordance with Chapter 119. of the 19102
Revised Code, to administer and enforce this chapter and which 19103
cover all of the following: 19104

(1) Sanitary standards for the operation of barber shops and 19105
barber schools that conform to guidelines established by the 19106
department of health; 19107

(2) The content of the examination required of an applicant 19108
for a barber license. The examination shall include a practical 19109
demonstration and a written test, shall relate only to the 19110
practice of barbering, and shall require the applicant to 19111
demonstrate that the applicant has a thorough knowledge of and 19112
competence in the proper techniques in the safe use of chemicals 19113
used in the practice of barbering. 19114

(3) Continuing education requirements for persons licensed 19115
pursuant to this chapter. The board may impose continuing 19116
education requirements upon a licensee for a violation of this 19117
chapter or the rules adopted pursuant thereto or if the board 19118
determines that the requirements are necessary to preserve the 19119
health, safety, or welfare of the public. 19120

(4) Requirements for the licensure of barber schools, barber 19121
teachers, and assistant barber teachers; 19122

(5) Requirements for students of barber schools; 19123

(6) Any other area the board determines appropriate to 19124
administer or enforce this chapter. 19125

~~(K)~~(J) Annually review the rules adopted pursuant to division 19126
(J) of this section in order to compare those rules with the rules 19127
adopted by the state board of cosmetology pursuant to section 19128
4713.08 of the Revised Code. If the barber board determines that 19129

the rules adopted by the state board of cosmetology, including, 19130
but not limited to, rules concerning using career technical 19131
schools, would be beneficial to the barbering profession, the 19132
barber board shall adopt rules similar to those it determines 19133
would be beneficial for barbers. 19134

~~(L)~~(K) Prior to adopting any rule under this chapter, 19135
indicate at a formal hearing the reasons why the rule is necessary 19136
as a protection of the persons who use barber services or as an 19137
improvement of the professional standing of barbers in this state; 19138

~~(M)~~(L) Furnish each owner or manager of a barber shop and 19139
barber school with a copy of all sanitary rules adopted pursuant 19140
to division (J) of this section; 19141

~~(N)~~(M) Conduct such investigations and inspections of persons 19142
and establishments licensed or unlicensed pursuant to this chapter 19143
and for that purpose, any member of the board or any of its 19144
authorized agents may enter and inspect any place of business of a 19145
licensee or a person suspected of violating this chapter or the 19146
rules adopted pursuant thereto, during normal business hours; 19147

~~(O)~~(N) Upon the written request of an applicant and the 19148
payment of the appropriate fee, provide to the applicant licensure 19149
information concerning the applicant; 19150

~~(P)~~(O) Do all things necessary for the proper administration 19151
and enforcement of this chapter. 19152

~~Sec. 4709.06. (A) Before entering upon the discharge of the 19153
duties of office, the executive director of the barber board shall 19154
give a bond to the state, to be approved by the governor, 19155
conditioned for the faithful performance of the duties of office. 19156~~

The department of administrative services shall include the 19157
executive director of the barber board, if the executive director 19158
so requests, in the public employees blanket fidelity bond. 19159

(B) The executive director shall deposit all receipts of the board into the ~~state treasury to the credit of the~~ occupational licensing and regulatory fund.

(C) ~~The board chairperson or executive director, or both, as authorized by the board, shall approve all~~ All vouchers of the board shall be approved by the executive director.

Sec. 4713.05. ~~All receipts~~ The executive director of the state board of cosmetology shall ~~be deposited~~ deposit into the ~~state treasury to the credit of the~~ occupational licensing and regulatory fund all receipts of the board. All vouchers of the board shall be approved by the ~~board chairperson or executive director, or both, as authorized by the board~~ executive director.

Sec. 4713.06. ~~The~~ In consultation with the state board of cosmetology, the superintendent of professional regulation shall annually appoint an the executive director. ~~The executive director may not be a member of the board. The executive director, before entering upon the discharge of the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of duties of the office of executive director. The bond shall be in an amount the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes~~ The superintendent shall employ such additional persons as are necessary to administer this chapter.

~~The board may employ inspectors, examiners, consultants on contents of examinations, and clerks as necessary for the administration of this chapter.~~ All inspectors and examiners employed by the superintendent pursuant to this section shall be licensed cosmetologists.

The ~~board~~ superintendent may appoint inspectors of tanning

facilities as needed to make periodic inspections as the board specifies. 19190
19191

Sec. 4713.141. An inspector employed ~~by the state board of~~ 19192
~~cosmetology~~ pursuant to section 4713.06 of the Revised Code may 19193
take a sample of a product used or sold in a salon or school of 19194
cosmetology for the purpose of examining the sample, or causing an 19195
examination of the sample to be made, to determine whether 19196
division (N) of section 4713.14 of the Revised Code has been 19197
violated. 19198

Sec. 4717.03. (A) Members of the board of embalmers and 19199
funeral directors shall annually in July, or within thirty days 19200
after the senate's confirmation of the new members appointed in 19201
that year, meet and organize by selecting from among its members a 19202
president, vice-president, and secretary-treasurer. The board may 19203
hold other meetings as it determines necessary. A quorum of the 19204
board consists of four members, of whom at least three shall be 19205
members who are embalmers and funeral directors. The concurrence 19206
of at least four members is necessary for the board to take any 19207
action. The president and secretary-treasurer shall sign all 19208
licenses issued under this chapter and affix the board's seal to 19209
each license. 19210

(B) ~~The board may appoint an individual who is not a member~~ 19211
~~of the board to serve as executive director of the board. The~~ 19212
~~executive director serves at the pleasure of the board and shall~~ 19213
~~do all of the following:~~ 19214

~~(1) Serve as the board's chief administrative officer;~~ 19215

~~(2) Act as custodian of the board's records;~~ 19216

~~(3) Execute all of the board's orders.~~ 19217

~~In executing the board's orders, the executive director may~~ 19218
~~enter the premises, establishment, office, or place of business of~~ 19219

~~any embalmer, funeral director, or operator of a crematory facility in this state. The executive director may serve and execute any process issued by any court under~~ In consultation with the board, the superintendent of professional regulation shall appoint the executive director of the board. The superintendent may employ such additional persons as are necessary to administer this chapter.

(C) ~~The board may employ clerical or technical staff who are not members of the board and who serve at the pleasure of the board to provide any clerical or technical assistance the board considers necessary. The board may employ necessary~~ All inspectors, who employed pursuant to division (B) of this section shall be licensed embalmers and funeral directors. Any The executive director or an inspector employed by the board may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or operator of a crematory facility in this state, for the purposes of inspecting the facility and premises; the license and registration of embalmers and funeral directors operating in the facility; and the license of the funeral home, embalming facility, or crematory. The executive director or inspector shall serve and execute any process issued by any court under this chapter, serve and execute any papers or process issued by the board or any officer or member of the board, and perform any other duties delegated by the board.

(D) The president of the board shall designate three of its members to serve on the crematory review board, which is hereby created, for such time as the president finds appropriate to carry out the provisions of this chapter. Those members of the crematory review board designated by the president to serve and three members designated by the cemetery dispute resolution commission shall designate, by a majority vote, one person who is experienced in the operation of a crematory facility and who is not affiliated

with a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate. Members serving on the crematory review board shall not receive any additional compensation for serving on the board, but may be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board. Members of the crematory review board shall designate one from among its members to serve as a chairperson for such time as the board finds appropriate. Costs associated with conducting an adjudicatory hearing in accordance with division (E) of this section shall be paid from funds available to the board of embalmers and funeral directors.

(E) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (H) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter, or section 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory facility or cremation.

Nothing in division (E) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (E) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of its proceedings, to the board of embalmers and funeral directors. The board of embalmers and funeral directors shall serve a copy of the written report of the crematory review board's findings and advisory recommendations on the party to the adjudication or the party's attorney, by certified mail, within five days after receiving the report and advisory recommendations. A party may file objections to the written report with the board of embalmers and funeral directors within ten days after receiving the report. No written report is final or appealable until it is issued as a final order by the board of embalmers and funeral directors and entered on the record of the proceedings. The board of embalmers and funeral directors shall consider objections filed by the party prior to issuing a final order. After reviewing the findings and advisory recommendations of the crematory review board, the written transcript of the crematory review board's proceedings, and any objections filed by a party, the board of embalmers and funeral directors shall issue a final order in the matter. Any party may appeal the final order issued by the board of embalmers and funeral directors in a matter described in divisions (E)(1) to (4) of this section in accordance with section 119.12 of the

Revised Code, except that the appeal may be made to the court of
common pleas in the county in which is located the crematory
facility to which the final order pertains, or in the county in
which the party resides.

(F) On its own initiative or on receiving a written complaint
from any person whose identity is made known to the board of
embalmers and funeral directors, the board shall investigate the
acts or practices of any person holding or claiming to hold a
license or registration under this chapter that, if proven to have
occurred, would violate this chapter or any rules adopted under
it, or section 1111.19 of the Revised Code. The board may compel
witnesses by subpoena to appear and testify in relation to
investigations conducted under this chapter and may require by
subpoena duces tecum the production of any book, paper, or
document pertaining to an investigation. If a person does not
comply with a subpoena or subpoena duces tecum, the board may
apply to the court of common pleas of any county in this state for
an order compelling the person to comply with the subpoena or
subpoena duces tecum, or for failure to do so, to be held in
contempt of court.

(G) If, as a result of its investigation conducted under
division (F) of this section, the board of embalmers and funeral
directors has reasonable cause to believe that the person
investigated is violating any provision of this chapter or any
rules adopted under this chapter, or section 1111.19 of the
Revised Code, governing or in connection with embalming, funeral
directing, funeral homes, embalming facilities, or the operation
of funeral homes or embalming facilities, it may, after providing
the opportunity for an adjudicatory hearing, issue an order
directing the person to cease the acts or practices that
constitute the violation. The board shall conduct the adjudicatory
hearing in accordance with Chapter 119. of the Revised Code except

that, notwithstanding the provisions of that chapter, the following shall apply:

(1) The board shall send the notice informing the person of the person's right to a hearing by certified mail.

(2) The person is entitled to a hearing only if the person requests a hearing and if the board receives the request within thirty days after the mailing of the notice described in division (G)(1) of this section.

(3) A stenographic record shall be taken, in the manner prescribed in section 119.09 of the Revised Code, at every adjudicatory hearing held under this section, regardless of whether the record may be the basis of an appeal to a court.

(H) If, as a result of its investigation conducted under division (F) of this section, the board of embalmers and funeral directors has reasonable cause to believe that the person investigated is violating any provision of this chapter or any rules adopted under this chapter, or section 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation, the board shall send written notice of the alleged violation to the crematory review board. If, after the conclusion of the adjudicatory hearing in the matter conducted under division (E) of this section, the board of embalmers and funeral directors finds that a person is in violation of any provision of this chapter or any rules adopted under this chapter, or section 1111.19 of the Revised Code, governing or in connection with crematory facilities or cremation, the board may issue a final order under that division directing the person to cease the acts or practices that constitute the violation.

(I) The board of embalmers and funeral directors may bring a civil action to enjoin any violation or threatened violation of section 1111.19; sections 4717.01 to 4717.15 of the Revised Code

or a rule adopted under any of those sections; division (A) or (B) 19378
of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), 19379
(E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 19380
division (D)(1) of section 4717.27; or divisions (A) to (C) of 19381
section 4717.28 of the Revised Code. The action shall be brought 19382
in the county where the violation occurred or the threatened 19383
violation is expected to occur. At the request of the board, the 19384
attorney general shall represent the board in any matter arising 19385
under this chapter. 19386

(J) The board of embalmers and funeral directors and the 19387
crematory review board may issue subpoenas for funeral directors 19388
and embalmers or persons holding themselves out as such, for 19389
operators of crematory facilities or persons holding themselves 19390
out as such, or for any other person whose testimony, in the 19391
opinion of either board, is necessary. The subpoena shall require 19392
the person to appear before the appropriate board or any 19393
designated member of either board, upon any hearing conducted 19394
under this chapter. The penalty for disobedience to the command of 19395
such a subpoena is the same as for refusal to answer such a 19396
process issued under authority of the court of common pleas. 19397

(K) ~~All moneys received by the board of embalmers and funeral~~ 19398
~~directors from any source shall be deposited in the state treasury~~ 19399
~~to the credit of~~ The executive director shall deposit all receipts 19400
of the board into the occupational licensing and regulatory fund 19401
created in section 4743.05 of the Revised Code. All vouchers of 19402
the board shall be approved by the executive director. 19403

(L) The board of embalmers and funeral directors shall submit 19404
a written report to the governor on or before the first Monday of 19405
July of each year. This report shall contain a detailed statement 19406
of the nature and amount of the board's receipts and the amount 19407
and manner of its expenditures. 19408

Sec. 4725.05. ~~The In consultation with the state board of 19409
optometry, the superintendent of professional regulation shall 19410
employ an executive director. Before entering upon the discharge 19411
of official duties of office, the executive director shall give a 19412
bond, to be approved by the board, in the sum of two thousand 19413
dollars conditioned for the faithful discharge of the duties of 19414
the office. The premium for such bond shall be paid as are other 19415
expenditures of the board. The bond, with the approval of the 19416
board and oath of office indorsed thereon, shall be deposited with 19417
the secretary of state and kept in the secretary of state's 19418
office. 19419~~

~~The board may employ such assistants, inspectors, 19420
investigators, and clerical help as are necessary to administer 19421
and enforce sections 4725.01 to 4725.34 of the Revised Code, the 19422
expenses thereof to be charged and paid as other expenditures of 19423
the board appoint the executive director of the board. The 19424
superintendent shall employ such additional persons as are 19425
necessary to administer this chapter. 19426~~

Sec. 4725.06. Each member of the state board of optometry 19427
shall receive an amount fixed pursuant to division (J) of section 19428
124.15 of the Revised Code for each day actually employed in the 19429
discharge of the official duties of the member, and the necessary 19430
expenses of the member. 19431

The executive director of the board shall receive 19432
reimbursement for necessary expenses incurred in the discharge of 19433
the executive director's official duties. 19434

All vouchers of the board shall be approved by the ~~board~~ 19435
~~president or executive director, or both, as authorized by the~~ 19436
~~board~~ executive director. 19437

Sec. 4725.34. (A) The state board of optometry shall charge	19438
the following nonrefundable fees:	19439
(1) One hundred ten dollars for application for a certificate	19440
of licensure;	19441
(2) Twenty-five dollars for application for a therapeutic	19442
pharmaceutical agents certificate, except when the certificate is	19443
to be issued pursuant to division (A)(3) of section 4725.13 of the	19444
Revised Code, in which case the fee shall be thirty-five dollars;	19445
(3) One hundred ten dollars for renewal of a certificate of	19446
licensure;	19447
(4) Twenty-five dollars for renewal of a topical ocular	19448
pharmaceutical agents certificate;	19449
(5) Twenty-five dollars for renewal of a therapeutic	19450
pharmaceutical agents certificate;	19451
(6) Seventy-five dollars for late completion of continuing	19452
optometric education;	19453
(7) Seventy-five dollars for late renewal of one or more	19454
certificates that have expired;	19455
(8) Seventy-five dollars for reinstatement of one or more	19456
certificates classified as delinquent under section 4725.16 of the	19457
Revised Code, multiplied by the number of years the one or more	19458
certificates have been classified as delinquent;	19459
(9) Seventy-five dollars for reinstatement of one or more	19460
certificates placed on inactive status under section 4725.17 of	19461
the Revised Code;	19462
(10) Seventy-five dollars for reinstatement under section	19463
4725.171 of the Revised Code of one or more expired certificates;	19464
(11) Additional fees to cover administrative costs incurred	19465
by the board, including fees for replacing licenses issued by the	19466

board and providing rosters of currently licensed optometrists. 19467
Such fees shall be established at a regular meeting of the board 19468
and shall comply with any applicable guidelines or policies set by 19469
the department of administrative services or the office of budget 19470
and management. 19471

(B) The board, subject to the approval of the controlling 19472
board, may establish fees in excess of the amounts specified in 19473
division (A) of this section if the fees do not exceed the amounts 19474
specified by more than fifty per cent. 19475

(C) ~~All receipts of the board, from any source, shall be~~ 19476
~~deposited in the state treasury to the credit of The executive~~ 19477
~~director of the board shall deposit all receipts of the board into~~ 19478
the occupational licensing and regulatory fund. 19479

Sec. 4725.45. ~~(A) The In consultation with the Ohio optical~~ 19480
~~dispensers board, the superintendent of professional regulation~~ 19481
~~shall employ an executive secretary treasurer, who shall serve at~~ 19482
~~the pleasure of the board. Before entering upon the discharge of~~ 19483
~~the duties imposed upon the executive secretary treasurer by~~ 19484
~~sections 4725.40 to 4725.59 of the Revised Code or by the board,~~ 19485
~~the executive secretary treasurer shall give a bond, with~~ 19486
~~sufficient sureties, in an amount to be determined by the board~~ 19487
~~for the faithful discharge of the duties of the office of~~ 19488
~~executive secretary treasurer. The premium for such bond shall be~~ 19489
~~paid as are other expenditures of the board. Such bond, with the~~ 19490
~~approval of the board and oath of office endorsed thereon, shall~~ 19491
~~be deposited with the secretary of state and kept in the secretary~~ 19492
~~of state's office appoint the executive director of the board. The~~ 19493
~~superintendent shall employ such additional persons as are~~ 19494
~~necessary to administer this chapter.~~ 19495

~~(B) The executive secretary treasurer shall perform such~~ 19496
~~duties as are prescribed by the board.~~ 19497

~~(C) The board may employ such additional employees as may be necessary for the administration and enforcement of sections 4725.40 to 4725.59 of the Revised Code.~~

~~(D) All The executive director shall deposit all receipts of the board shall be deposited in the state treasury to the credit of into the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the ~~president of the board and the executive secretary treasurer~~ director.~~

~~(E) The board, subject to the approval of the controlling board, may establish examination and license renewal fees in excess of the amounts provided in sections 4725.48, 4725.49, and 4725.51 of the Revised Code, provided that such fees do not exceed those amounts by more than fifty per cent.~~

Sec. 4725.46. ~~(A) Each member of the Ohio optical dispensers board shall receive compensation pursuant to division (J) of section 124.15 of the Revised Code, but shall not receive step advancements, for each day actually employed in the discharge of his official duties, and his the member's actual and necessary expenses.~~

~~(B) The executive secretary treasurer shall receive compensation as fixed by the board and his actual and necessary expenses incurred in the discharge of his official duties.~~

Sec. 4732.06. The principal office of the state board of psychology shall be in Columbus, but it may meet or conduct business at any place in this state. The board may empower any one or more of its members to conduct any proceeding, hearing, or investigation necessary to its purposes. The board shall meet at least twice annually and at such other times as it determines. Special meetings may be called by the president and shall be called by the secretary upon the written request of two members.

The board shall make such rules as are necessary to conduct 19528
its business. 19529

~~The board may employ such assistants and clerical help as are~~ 19530
~~necessary to administer and enforce this chapter~~ In consultation 19531
with the board, the superintendent of professional regulation 19532
shall appoint the executive director of the board. The 19533
superintendent shall employ such additional persons as are 19534
necessary to administer this chapter. 19535

The executive director shall deposit all receipts of the 19536
board into the occupational licensing and regulatory fund. All 19537
vouchers of the board shall be approved by the executive director. 19538

Sec. 4732.14. On or before the thirty-first day of August of 19539
each even-numbered year, each person licensed by the state board 19540
of psychology shall register with the board on a form prescribed 19541
by the board, giving the person's name, address, license number, 19542
the continuing education information required by section 4732.141 19543
of the Revised Code, and such other reasonable information as the 19544
board requires, and pay to the board ~~secretary~~ a biennial 19545
registration fee in an amount determined by the board, but not to 19546
exceed two hundred seventy-five dollars in fiscal year 2000 and 19547
three hundred fifty dollars in each fiscal year thereafter. A 19548
person licensed for the first time on or before the thirty-first 19549
day of August of an even-numbered year shall next be required to 19550
register on or before the thirty-first day of August of the next 19551
even-numbered year. 19552

Before the first day of August of each even-numbered year, 19553
the ~~secretary~~ board shall send a notice to each licensed 19554
psychologist and licensed school psychologist, whether a resident 19555
or not, at the licensed psychologist's or licensed school 19556
psychologist's last known address, that the licensed 19557
psychologist's or licensed school psychologist's biennial 19558

registration form and fee are due on or before the last day of 19559
August. Before the fifteenth day of September of such years, the 19560
~~secretary~~ board shall send a second notice to each such person who 19561
has not paid the registration fee or registered with the board as 19562
required by this section. A license of any licensed psychologist 19563
or licensed school psychologist shall automatically be suspended 19564
if the biennial registration fee is not paid or the registration 19565
form is not received on or before the thirtieth day of September 19566
of a renewal year. Within five years thereafter, the board may 19567
reinstate any license so suspended upon payment of the current 19568
registration fee and a penalty not to exceed fifty dollars, as 19569
determined by the board, and receipt of the registration form 19570
completed by the registrant in accordance with this section and 19571
section 4732.141 of the Revised Code or in accordance with any 19572
modifications authorized by the board under division (F) of 19573
section 4732.141 of the Revised Code. The board may by rule waive 19574
the payment of the registration fee and completion of the 19575
continuing psychology education required by section 4732.141 of 19576
the Revised Code by a licensed psychologist or licensed school 19577
psychologist when the licensed psychologist or licensed school 19578
psychologist is on active duty in the armed forces of the United 19579
States. 19580

Each licensed psychologist and licensed school psychologist 19581
shall notify the ~~secretary~~ board of any change in the licensed 19582
psychologist's or licensed school psychologist's office address or 19583
employment within ninety days of such change. 19584

Sec. 4734.05. (A) The state chiropractic board shall organize 19585
by electing from its members a president. The president shall hold 19586
office for two years and until the president's successor is 19587
elected and takes office. Elections for board president shall be 19588
held at every other annual meeting of the board held in this state 19589
in September. 19590

The president, subject to the board's approval, may designate another member of the board to serve as vice-president to fulfill the president's duties in the event that the president is absent or incapacitated. The vice-president may perform any action that the president is authorized to perform.

The president may make decisions on behalf of the board as follows:

(1) A decision regarding board activities may be made by the president if the president considers the decision to be minor and determines that making the decision will facilitate the responsiveness and effectiveness of the board;

(2) A decision involving a situation that requires immediate board attention may be made by the president if the circumstances surrounding the situation make holding a board meeting impractical. At the earliest time possible, the president shall report the decision to the members of the board and the board shall meet to ratify or nullify the decision.

~~(B) The In consultation with the board, the superintendent of professional regulation shall appoint an the executive director who shall serve as the board's secretary and shall perform all other duties prescribed by the board or this chapter. While serving as executive director, the individual appointed shall reside in this state and may not serve as a member of the board.~~

~~The executive director shall be in the unclassified service of this state. The board shall fix the executive director's compensation and reimburse the executive director for necessary expenses incurred in the performance of official duties. Prior to entering into the official duties of office, the executive director shall take and subscribe an oath of office and shall give to the treasurer of state a bond in the penal sum of fifty thousand dollars with sufficient sureties to be approved by the~~

~~governor for the faithful discharge of the duties.~~ 19622

~~The executive director is the board's appointing authority,~~ 19623
~~as defined in section 124.01 of the Revised Code. With the board's~~ 19624
~~approval, the executive director may appoint any employees~~ 19625
~~necessary to carry out the board's functions, including~~ 19626
~~investigative personnel and other employees to perform~~ 19627
~~professional, clerical, and special work, and may establish~~ 19628
~~standards for the conduct of and the authority to be granted to~~ 19629
~~the board's employees The superintendent shall employ such~~ 19630
~~additional persons as are necessary to administer this chapter.~~ 19631

Sec. 4734.54. ~~All moneys received by The executive director~~ 19632
~~of the state chiropractic board shall be paid into the state~~ 19633
~~treasury and credited to deposit all receipts of the board into~~ 19634
~~the occupational licensing and regulatory fund. Moneys credited to~~ 19635
~~the fund that are the result of fines collected under section~~ 19636
~~4734.53, fines collected under section 4734.31, and amounts~~ 19637
~~awarded under section 4734.49 of the Revised Code shall be used~~ 19638
~~solely for purposes related to the board's enforcement of this~~ 19639
~~chapter. Moneys credited to the fund that are the result of any~~ 19640
~~fee charged under section 4734.21 of the Revised Code shall be~~ 19641
~~used solely for purposes related to implementing that section All~~ 19642
~~vouchers of the board shall be approved by the executive director.~~ 19643

Sec. 4736.03. The state board of sanitarian registration 19644
~~shall organize within thirty days after its initial members have~~ 19645
~~been appointed by the governor. The board shall annually elect a~~ 19646
~~chairman chairperson and a vice-chairman vice-chairperson from its~~ 19647
~~members and shall elect a secretary to serve at the pleasure of~~ 19648
~~the board. The chairman and the secretary chairperson may~~ 19649
~~administer oaths. A majority of the board constitutes a quorum.~~ 19650
~~Members shall be compensated for their necessary expenses incurred~~ 19651

in the performance of their official duties. 19652

In consultation with the board, the superintendent of 19653
professional regulation shall appoint the executive director of 19654
the board. The superintendent shall employ such additional persons 19655
as are necessary to administer this chapter. 19656

The board shall adopt and may amend or rescind rules in 19657
accordance with Chapter 119. of the Revised Code governing the 19658
administration of the examinations prescribed by section 4736.09 19659
of the Revised Code, prescribing the form for application, 19660
establishing criteria for determining what courses may be included 19661
toward fulfillment of the science course requirements of section 19662
4736.08 of the Revised Code, determining the continuing education 19663
program requirements of section 4736.11 of the Revised Code, and 19664
for the administration and enforcement of this chapter. 19665

Sec. 4736.06. ~~(A) All receipts~~ The executive director of the 19666
state board of sanitarian registration shall ~~be deposited in the~~ 19667
~~state treasury to the credit of~~ deposit all receipts of the board 19668
into the occupational licensing and regulatory fund. 19669

All vouchers of the board shall be approved by the 19670
~~chairperson of the board or secretary, or both, as authorized by~~ 19671
~~the board.~~ 19672

~~(B) The board may employ such persons as are necessary to~~ 19673
~~administer and enforce this chapter~~ executive director. 19674

Sec. 4741.03. (A) The state veterinary medical licensing 19675
board shall meet at least once in each calendar year and may hold 19676
additional meetings as often as it considers necessary to conduct 19677
the business of the board. The president of the board may call 19678
special meetings, and the executive ~~secretary~~ director of the 19679
board shall call special meetings upon the written request of 19680
three members of the board. The board shall organize by electing a 19681

president and vice-president from its veterinarian members and 19682
such other officers as the board prescribes by rule. Each officer 19683
shall serve for a term specified by board rule or until a 19684
successor is elected and qualified. A quorum of the board consists 19685
of four members of which at least three are members who are 19686
veterinarians. The concurrence of four members is necessary for 19687
the board to take any action. 19688

~~(B) The board may appoint a person, not one of its members, 19689
to serve as its executive secretary. The executive secretary is in 19690
the unclassified service and serves at the pleasure of the board. 19691
The executive secretary shall serve as the board's 19692
secretary-treasurer ex officio. The board may employ additional 19693
employees for professional, technical, clerical, and special work 19694
as it considers necessary. The executive secretary shall give a 19695
surety bond to the state in the sum the board requires, 19696
conditioned upon the faithful performance of the executive 19697
secretary's duties. The board shall pay the cost of the bond. The 19698
executive secretary shall keep a complete accounting of all funds 19699
received and of all vouchers presented by the board to the 19700
director of budget and management for the disbursement of funds. 19701
The president or executive secretary shall approve all vouchers of 19702
the board. All money received by the board shall be credited to 19703
the occupational licensing and regulatory fund In consultation 19704
with the board, the superintendent of professional regulation 19705
shall appoint the executive director of the board. The 19706
superintendent shall employ such additional persons as are 19707
necessary to administer this chapter. 19708~~

(C) In addition to any other duty required under this 19709
chapter, the board shall do all of the following: 19710

(1) Prescribe a seal; 19711

(2) Hold at least one examination during each calendar year 19712
for applicants for a license. The board shall provide public 19713

notice of the time and place for the examination. The examination 19714
for applicants for a license to practice veterinary medicine shall 19715
be either written or oral, or both, as determined by the board, 19716
and may include a practical demonstration. The examination may 19717
include all subjects relevant to veterinary medicine the board 19718
determines appropriate, including public health and jurisprudence. 19719

(3) Keep a record of all of its meetings and proceedings; 19720

(4) Maintain a register that records all applicants for a 19721
certificate of license or a temporary permit, all persons who have 19722
been denied a license or permit, all persons who have been granted 19723
or reissued a license or permit, and all persons whose license or 19724
permit has been revoked or suspended. The register shall also 19725
include a record of persons licensed prior to October 17, 1975. 19726

(5) Maintain a register, in such form as the board determines 19727
by rule, of all colleges and universities that teach veterinary 19728
medicine and that are approved by the board; 19729

(6) Enforce this chapter, and for that purpose, make 19730
investigations relative as provided in section 4741.26 of the 19731
Revised Code; 19732

(7) Issue licenses and permits to persons who meet the 19733
qualifications set forth in this chapter; 19734

(8) Approve colleges and universities which meet the board's 19735
requirements for veterinary medicine and associated fields of 19736
study and withdraw or deny, after an adjudication conducted in 19737
accordance with Chapter 119. of the Revised Code, approval from 19738
colleges and universities which fail to meet those requirements; 19739

(9) Adopt rules, in accordance with Chapter 119. of the 19740
Revised Code, which are necessary for its government and for the 19741
administration and enforcement of this chapter. 19742

(D) The board may do all of the following: 19743

(1) Subpoena witnesses and require their attendance and 19744
testimony, and require the production by witnesses of books, 19745
papers, public records, animal patient records, and other 19746
documentary evidence and examine them, in relation to any matter 19747
that the board has authority to investigate, inquire into, or 19748
hear. Except for any officer or employee of the state or any 19749
political subdivision of the state, the treasurer of state shall 19750
pay all witnesses in any proceeding before the board, upon 19751
certification from the board, witness fees in the same amount as 19752
provided in section 2335.06 of the Revised Code. 19753

(2) Examine and inspect books, papers, public records, animal 19754
patient records, and other documentary evidence at the location 19755
where the books, papers, records, and other evidence are normally 19756
stored or maintained. 19757

(E) All registers, books, and records kept by the board are 19758
the property of the board and are open for public examination and 19759
inspection at all reasonable times. The registers, books, and 19760
records are prima-facie evidence of the matters contained in them. 19761

Sec. 4741.171. Any licensed veterinarian who desires to 19762
temporarily or permanently retire from practice and who has given 19763
the state veterinary medical licensing board notice in writing to 19764
that effect may be certified by the board as being retired, 19765
provided ~~his~~ the licensed veterinarian's license is in good 19766
standing. The board may by rule waive the payment of the 19767
registration fee of a licensed veterinarian during the period when 19768
~~he~~ the licensed veterinarian is on active duty in connection with 19769
any branch of the armed forces of the United States. 19770

Each veterinarian licensed by the board, whether a resident 19771
or not, shall notify, in writing, the ~~secretary of the~~ board of 19772
any change in ~~his~~ the licensed veterinarian's office address or 19773
employment within ninety days after the change has taken place. 19774

Sec. 4741.25. ~~All~~ The executive director of the state 19775
veterinary medical licensing board shall deposit all receipts of 19776
the state veterinary medical licensing board shall be deposited in 19777
the state treasury to into the ~~credit of the~~ occupational 19778
licensing and regulatory fund. All vouchers of the board shall be 19779
approved by the executive director. 19780

Sec. 4743.05. Except as otherwise provided in sections 19781
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 19782
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 19783
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 19784
4741., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 19785
4771., 4775., 4779., and 4781. of the Revised Code shall be paid 19786
into the state treasury to the credit of the occupational 19787
licensing and regulatory fund, which is hereby created for use in 19788
administering such chapters. 19789

At the end of each quarter, the director of budget and 19790
management shall transfer from the occupational licensing and 19791
regulatory fund to the nurse education assistance fund created in 19792
section 3333.28 of the Revised Code the amount certified to the 19793
director under division (B) of section 4723.08 of the Revised 19794
Code. 19795

At the end of each quarter, the director shall transfer from 19796
the occupational licensing and regulatory fund to the certified 19797
public accountant education assistance fund created in section 19798
4701.26 of the Revised Code the amount certified to the director 19799
under division (H)(2) of section 4701.10 of the Revised Code. 19800

Sec. 4752.08. (A) The Ohio respiratory care board may inspect 19801
the operations and facility, subpoena the records, and compel 19802
testimony of employees of any home medical equipment services 19803
provider licensed under this chapter. Inspections shall be 19804

conducted as provided in rules adopted by the board under section 19805
4752.17 of the Revised Code. 19806

~~(B) The board shall employ investigators who shall, under the~~ 19807
~~direction of the executive director of the board, investigate~~ 19808
~~complaints and conduct inspections.~~ Pursuant to an investigation 19809
or inspection, investigators may review and audit records during 19810
normal business hours at the place of business of the person being 19811
investigated. ~~The board and its employees shall not disclose~~ 19812
~~confidential~~ Confidential information obtained during an 19813
investigation shall not be disclosed, except pursuant to a court 19814
order. 19815

(C) The board shall send the provider a report of the results 19816
of an inspection. If the board determines that the provider is not 19817
in compliance with any requirement of this chapter applicable to 19818
providers licensed under this chapter, the board may direct the 19819
provider to attain compliance. Failure of the provider to comply 19820
with the directive is grounds for action by the board under 19821
division (A)(1) of section 4752.09 of the Revised Code. 19822

(D) A provider that disputes the results of an inspection may 19823
file an appeal with the board not later than ninety days after 19824
receiving the inspection report. The board shall review the 19825
inspection report and, at the request of the provider, conduct a 19826
new inspection. 19827

Sec. 4752.09. (A) The Ohio respiratory care board may, in 19828
accordance with Chapter 119. of the Revised Code, suspend or 19829
revoke a license issued under this chapter or discipline a license 19830
holder by imposing a fine of not more than five thousand dollars 19831
or taking other disciplinary action on any of the following 19832
grounds: 19833

(1) Violation of any provision of this chapter or an order or 19834

rule of the board, as those provisions, orders, or rules are	19835
applicable to persons licensed under this chapter;	19836
(2) A plea of guilty to or a judicial finding of guilt of a	19837
felony or a misdemeanor that involves dishonesty or is directly	19838
related to the provision of home medical equipment services;	19839
(3) Making a material misstatement in furnishing information	19840
to the board;	19841
(4) Professional incompetence;	19842
(5) Being guilty of negligence or gross misconduct in	19843
providing home medical equipment services;	19844
(6) Aiding, assisting, or willfully permitting another person	19845
to violate any provision of this chapter or an order or rule of	19846
the board, as those provisions, orders, or rules are applicable to	19847
persons licensed under this chapter;	19848
(7) Failing, within sixty days, to provide information in	19849
response to a written request by the board;	19850
(8) Engaging in conduct likely to deceive, defraud, or harm	19851
the public;	19852
(9) Denial, revocation, suspension, or restriction of a	19853
license to provide home medical equipment services, for any reason	19854
other than failure to renew, in another state or jurisdiction;	19855
(10) Directly or indirectly giving to or receiving from any	19856
person a fee, commission, rebate, or other form of compensation	19857
for services not rendered;	19858
(11) Knowingly making or filing false records, reports, or	19859
billings in the course of providing home medical equipment	19860
services, including false records, reports, or billings prepared	19861
for or submitted to state and federal agencies or departments;	19862
(12) Failing to comply with federal rules issued pursuant to	19863

the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers.

(B) The respiratory care board immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The president and executive director of the board shall make a preliminary determination and describe, by telephone conference or any other method of communication, the evidence on which they made their determination to the other members of the board. The board may by resolution designate another board member to act in place of the president of the board ~~or another employee to act in the place of the executive director,~~ in the event that the board president ~~or executive director~~ is unavailable or unable to act. On review of the evidence, the board may by a vote of not less than seven of its members, suspend a license without a prior hearing. The board may vote on the suspension by way of a telephone conference call.

Immediately following the decision to suspend a license under this division, the board shall issue a written order of suspension and cause it to be delivered in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudication hearing, the date set for the hearing shall be within fifteen days but not earlier than seven days after the license holder requests the hearing, unless another date is agreed to by the license holder and the board. The suspension shall remain in effect, unless reversed by the board, until a final adjudication

order issued by the board pursuant to this section and Chapter 19896
119. of the Revised Code becomes effective. The board shall issue 19897
its final adjudication order not later than ninety days after 19898
completion of the hearing. The board's failure to issue the order 19899
by that day shall cause the summary suspension to end, but shall 19900
not affect the validity of any subsequent final adjudication 19901
order. 19902

Sec. 4752.18. ~~All moneys~~ The executive director of the Ohio 19903
respiratory care board ~~receives under this chapter, from any~~ 19904
~~source, shall be deposited into the state treasury to the credit~~ 19905
~~of~~ shall deposit all receipts of the board into the occupational 19906
licensing and regulatory fund ~~created under section 4743.05 of the~~ 19907
~~Revised Code.~~ 19908

Sec. 4753.04. The board of speech-language pathology and 19909
audiology shall hold at least one regular meeting a year, at which 19910
it shall elect a chairperson and vice-chairperson from among its 19911
members. Additional meetings may be held upon call of the 19912
chairperson or at the written request of two or more members of 19913
the board. Five members of the board constitute a quorum to 19914
conduct business, if one member who is a speech-language 19915
pathologist and one member who is an audiologist are present. 19916

~~The board may employ an executive director, who shall serve~~ 19917
~~at the board's pleasure, and shall designate the duties and fix~~ 19918
~~the executive director's compensation. The board may hire such~~ 19919
~~other employees and consultants as it finds necessary. Members~~ In 19920
consultation with the board, the superintendent of professional 19921
regulation shall appoint the executive director of the board. The 19922
superintendent shall employ such additional persons as are 19923
necessary to administer this chapter. 19924

Members of the board shall receive compensation pursuant to 19925

division (J) of section 124.15 of the Revised Code for each day 19926
employed in the discharge of their official duties. The members 19927
shall be reimbursed for actual and necessary expenses incurred in 19928
the performance of their official duties. All vouchers of the 19929
board shall be approved by the ~~chairperson or the~~ executive 19930
director of the board. 19931

Sec. 4753.11. (A) For all types of licenses, the board of 19932
speech-language pathology and audiology shall charge a 19933
nonrefundable licensure fee, to be determined by board rule, which 19934
shall be paid at the time the application is filed with the board. 19935

(B) On or before the thirty-first day of January of every 19936
other year, the board shall charge a biennial licensure renewal 19937
fee which shall be determined by board rule and used to defray 19938
costs of the board. 19939

(C) The board may, by rule, provide for the waiver of all or 19940
part of such fees when the license is issued less than one hundred 19941
days before the date on which it will expire. 19942

(D) After the last day of the month designated by the board 19943
for renewal, the board shall charge a late fee to be determined by 19944
board rule in addition to the biennial licensure renewal fee. 19945

(E) No municipal corporation shall levy an occupational or 19946
similar excise tax on any person licensed under this chapter. 19947

(F) ~~All~~ The executive director of the board shall deposit all 19948
fees collected under this section and section 4753.09 of the 19949
Revised Code ~~shall be paid into the state treasury to the credit~~ 19950
~~of~~ the occupational licensing and regulatory fund. 19951

Sec. 4755.03. There is hereby created the Ohio occupational 19952
therapy, physical therapy, and athletic trainers board consisting 19953
of sixteen residents of this state, who shall be appointed by the 19954
governor with the advice and consent of the senate. The board 19955

shall be composed of a physical therapy section, an occupational 19956
therapy section, and an athletic trainers section. 19957

Five members of the board shall be physical therapists who 19958
are licensed to practice physical therapy and who have been 19959
engaged in or actively associated with the practice of physical 19960
therapy in this state for at least five years immediately 19961
preceding appointment. Such members of the board shall sit on the 19962
physical therapy section. The physical therapy section also shall 19963
consist of four additional members, appointed by the governor with 19964
the advice and consent of the senate, who satisfy the same 19965
qualifications as the members of the board sitting on the physical 19966
therapy section, but who are not members of the board. Such 19967
additional members of the physical therapy section are vested with 19968
only such powers and shall perform only such duties as relate to 19969
the affairs of that section, shall serve for the same terms as do 19970
members of the board sitting on the physical therapy section, and 19971
shall subscribe to and file with the secretary of state the 19972
constitutional oath of office. 19973

Four members of the board shall be occupational therapists 19974
and one member shall be a licensed occupational therapy assistant, 19975
all of whom have been engaged in or actively associated with the 19976
practice of occupational therapy or practice as an occupational 19977
therapy assistant in this state for at least five years 19978
immediately preceding appointment. Such members of the board shall 19979
sit on the occupational therapy section. 19980

Four members of the board shall be athletic trainers who have 19981
been engaged in the practice of athletic training in Ohio for at 19982
least five years immediately preceding appointment. One member of 19983
the board shall be a physician licensed to practice medicine and 19984
surgery in this state. Such members of the board shall sit on the 19985
athletic trainers section. 19986

One member of the board shall represent the public and shall 19987

be at least sixty years of age. This member shall sit on the board. 19988
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Terms of office are for three years, each term commencing on the twenty-eighth day of August and ending on the twenty-seventh day of August. Each member shall serve subsequent to the expiration of the member's term until the member's successor is appointed and qualifies, or until a period of sixty days has elapsed, whichever occurs first. Each member, before entering upon official duties, shall subscribe to and file with the secretary of state the constitutional oath of office. All vacancies shall be filled in the manner prescribed for the regular appointments to the board and are limited to the unexpired terms. 19990
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Annually, upon the qualification of the member or members appointed in that year, the board shall organize by selecting from its members a president and secretary. Each section of the board shall organize by selecting from its members a chairperson and secretary. 20000
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The majority of the members of the board constitutes a quorum to transact and vote on the business of the board. A majority of the members of each section constitutes a quorum to transact and vote on the affairs of that section. 20005
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Each member of the board and each additional member of the physical therapy section shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of official duties. In addition, each member of the board and each additional member of the physical therapy section shall receive the member's actual and necessary expenses incurred in the performance of official duties. 20009
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The board of trustees of the Ohio occupational therapy association, inc., may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three 20016
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persons to fill each such position or vacancy on the board, and 20019
the governor may make the appointment from the persons so 20020
recommended. The executive board of the Ohio chapter, inc., of the 20021
American physical therapy association may recommend, after any 20022
term expires or vacancy occurs in a physical therapy position, at 20023
least three persons to fill each such vacancy on the board, and 20024
the governor may make appointments from the persons so 20025
recommended. The Ohio athletic trainers association shall 20026
recommend to the governor at least three persons for each of the 20027
initial appointments to an athletic trainer's position. The Ohio 20028
athletic trainers association shall also recommend to the governor 20029
at least three persons when any term expires or any vacancy occurs 20030
in such a position. The governor may select one of the 20031
association's recommendations in making such an appointment. 20032

The board shall meet as a whole to determine all 20033
administrative, personnel, and budgetary matters. In consultation 20034
with the board, the superintendent of professional regulation 20035
shall appoint the executive director of the board. The 20036
superintendent shall employ such additional persons as are 20037
necessary to administer this chapter. The executive director ~~of~~ 20038
~~the board appointed by the board~~ shall not be a physical 20039
therapist, an occupational therapist, or an athletic trainer who 20040
has been licensed to practice physical therapy, occupational 20041
therapy, or as an athletic trainer in this state within three 20042
years immediately preceding appointment. ~~The executive director~~ 20043
~~shall serve at the pleasure of the board.~~ 20044

The occupational therapy section of the board shall have the 20045
full authority to act on behalf of the board on all matters 20046
concerning the practice of occupational therapy and, in 20047
particular, the examination, licensure, and suspension or 20048
revocation of licensure of applicants, occupational therapists, 20049
and occupational therapy assistants. The physical therapy section 20050

of the board shall have the full authority to act on behalf of the board on all matters concerning the practice of physical therapy and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants, physical therapists, and physical therapist assistants. The athletic trainers section of the board shall have the full authority to act on behalf of the board on all matters concerning the practice of athletic training and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants and athletic trainers. All actions taken by any section of the board under this paragraph shall be in accordance with Chapter 119. of the Revised Code.

Sec. 4755.04. The appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall investigate complaints concerning the violation of section 4755.02, 4755.48, or 4755.62 of the Revised Code, and concerning alleged grounds for the suspension, revocation, or refusal to issue or renew licenses under section 3123.47, 4755.10, 4755.47, or 4755.64 of the Revised Code, and may subpoena witnesses in connection with its investigations. The appropriate section may apply to an appropriate court for an order enjoining the violation of section 4755.02, 4755.48, or 4755.62 of the Revised Code, and upon the showing by the section that any person has violated or is about to violate section 4755.02, or 4755.48, or 4755.62 of the Revised Code, the court shall grant an injunction, restraining order, or such other order as is appropriate. ~~The appropriate section may employ board's~~ investigators ~~who shall, under the direction of the secretary of the section,~~ make investigations of complaints and such inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 or section 4755.02, 4755.10, 4755.47, 4755.48, 4755.62, or 4755.64 of the Revised Code. These investigators have the right to review and

audit the records of licensees at the place of business of the 20083
licensees or any other place where such records may be and shall 20084
be given access to such records during normal business hours. 20085
Information obtained by investigators concerning a licensee shall 20086
be held in confidence by the appropriate section and its 20087
employees, except pursuant to an order of a court. 20088

The appropriate section shall conduct such hearings, keep 20089
records and minutes, and do all such other things necessary and 20090
proper to carry out and enforce the relevant sections of this 20091
chapter. 20092

Each section of the board shall publish and make available, 20093
upon request and for a fee not to exceed the actual cost of 20094
printing and mailing, the licensure standards prescribed by the 20095
relevant sections of this chapter and its rules. 20096

The board shall submit to the governor and to the general 20097
assembly each year a report of all its official actions during the 20098
preceding year, together with any recommendations and findings 20099
with regard to the improvement of the profession of physical 20100
therapy and the profession of occupational therapy. 20101

Sec. 4755.13. ~~All licensure fees collected and assessed under~~ 20102
~~this chapter by~~ The executive director of the Ohio occupational 20103
therapy, physical therapy, and athletic trainers board, shall be 20104
~~deposited into the state treasury to the credit of the~~ deposit all 20105
receipts of the board into the occupational licensing and 20106
regulatory fund. All vouchers of the board shall be approved by 20107
the executive director. 20108

Sec. 4757.05. (A) The counselor, social worker, and marriage 20109
and family therapist board shall meet as a whole to discuss and 20110
review issues regarding personnel, budgetary matters, 20111
administration, and any other matter pertaining to the operation 20112

of the entire board. The board shall hold at least one regular 20113
meeting every three months. Additional meetings may be held at 20114
such times as the board determines, upon call of the chairperson, 20115
or upon the written request of four or more members of the board 20116
to the executive director. If four or more members so request a 20117
meeting, the executive director shall call a meeting to commence 20118
in not more than seven days. Eight members of the board constitute 20119
a quorum to conduct business. Except as provided in section 20120
4757.39 of the Revised Code, no action shall be taken without the 20121
concurrence of at least a quorum. 20122

The counselors professional standards committee, the social 20123
workers professional standards committee, and the marriage and 20124
family therapist professional standards committee shall meet as 20125
necessary to fulfill their duties established by this chapter and 20126
the rules adopted under it. Three members of a committee 20127
constitute a quorum for that committee to conduct business. No 20128
action shall be taken without the concurrence of at least a 20129
quorum. 20130

(B) At its first meeting each year, the board shall elect a 20131
chairperson from among its members. At the first meeting held each 20132
year by the board's professional standards committees, each 20133
committee shall elect from among its members a chairperson. The 20134
chairpersons of the committees shall serve as co-vice-chairpersons 20135
of the board. Neither the board nor its committees shall elect a 20136
member to serve more than two consecutive terms in the same 20137
office. 20138

~~(C) The board shall employ an executive director. The board 20139
may employ and prescribe the powers and duties of such employees 20140
and consultants as are necessary for it and its professional 20141
standards committees to carry out this chapter and rules adopted 20142
under it In consultation with the board, the superintendent of 20143~~

professional regulation shall appoint the executive director of 20144
the board. The superintendent shall employ such additional persons 20145
as are necessary to administer this chapter. 20146

(D) The members of the board shall receive an amount fixed 20147
under division (J) of section 124.15 of the Revised Code for each 20148
day employed in the discharge of their official duties as board or 20149
committee members and shall be reimbursed for their necessary and 20150
actual expenses incurred in the performance of their official 20151
duties. 20152

(E) The board and each of its professional standards 20153
committees shall keep any records and minutes necessary to fulfill 20154
the duties established by this chapter and the rules adopted under 20155
it. 20156

Sec. 4757.31. (A) Subject to division (B) of this section, 20157
the counselor, social worker, and marriage and family therapist 20158
board shall establish, and may from time to time adjust, fees to 20159
be charged for the following: 20160

(1) Examination for licensure as a professional clinical 20161
counselor, professional counselor, marriage and family therapist, 20162
independent marriage and family therapist, social worker, or 20163
independent social worker; 20164

(2) Initial licenses of professional clinical counselors, 20165
professional counselors, marriage and family therapists, 20166
independent marriage and family therapists, social workers, and 20167
independent social workers, except that the board shall charge 20168
only one fee to a person who fulfills all requirements for more 20169
than one of the following initial licenses: an initial license as 20170
a social worker or independent social worker, an initial license 20171
as a professional counselor or professional clinical counselor, 20172
and an initial license as a marriage and family therapist or 20173
independent marriage and family therapist; 20174

(3) Initial certificates of registration of social work assistants; 20175
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(4) Renewal of licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers and renewal of certificates of registration of social work assistants. 20177
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(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2), (3), and (4) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the initial fee for that license or certificate. The fees charged for licensure and registration and the renewal of licensure and registration may differ for the various types of licensure and registration, but shall not exceed one hundred twenty-five dollars each, unless the board determines that amounts in excess of one hundred twenty-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred twenty-five dollars are approved by the controlling board. 20182
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(C) ~~All~~ The executive director of the board shall deposit all receipts of the board ~~shall be deposited in the state treasury to the credit of~~ into the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the ~~chairperson or executive director of the board, or both, as authorized by the~~ board. 20200
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Sec. 4758.15. ~~The In consultation with the chemical dependency professionals board shall employ an, the superintendent of professional regulation shall appoint the executive director of the board. The board may employ and prescribe the powers and duties of employees and consultants as are necessary for it to carry out the board's duties under this chapter and the rules adopted under it. The superintendent shall employ such additional persons as are necessary to administer this chapter.~~ 20206
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Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following: 20214
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(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code; 20219
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(2) Issuing an initial independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate; 20221
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(3) Renewing an independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor I certificate, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or registered applicant certificate; 20227
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(4) Approving continuing education courses under section 4758.28 of the Revised Code; 20233
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(5) Doing anything else the board determines necessary to 20235

administer this chapter.

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(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license or certificate and the renewal of a license or certificate may differ for the various types of licenses and certificates, but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.

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(C) All vouchers of the board shall be approved by the ~~chairperson or~~ executive director of the board, ~~or both, as~~ authorized by the board. The executive director shall deposit all receipts of the board in the occupational licensing and regulatory fund.

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Sec. 4759.04. The Ohio board of dietetics shall meet at least once annually and at other times as determined by the board, upon the call of the ~~chairman~~ chairperson, or upon the written request to the executive ~~secretary~~ director of the board by two or more members of the board. Three members of the board constitute a quorum to conduct business and no action shall be taken without the concurrence of at least three members.

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At the first meeting of each year, the board shall elect a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson from among its members. ~~The board shall designate an executive secretary and may employ other employees or consultants, or contract, subject to the approval of the controlling board, with a state agency or nonprofit corporation as necessary to carry out~~

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~~this chapter and rules adopted under it pursuant to Chapter 119.~~ 20267
~~of the Revised Code In consultation with the board, the~~ 20268
~~superintendent of professional regulation shall appoint the~~ 20269
~~executive director of the board. The superintendent shall employ~~ 20270
~~such additional persons as are necessary to administer this~~ 20271
~~chapter.~~ 20272

Sec. 4759.08. (A) The Ohio board of dietetics shall charge 20273
and collect fees as described in this section for issuing the 20274
following: 20275

(1) An application for an initial dietitian license, or an 20276
application for reactivation of an inactive license, one hundred 20277
twenty-five dollars, and for reinstatement of a lapsed, revoked, 20278
or suspended license, one hundred eighty dollars; 20279

(2) License renewal, ninety-five dollars; 20280

(3) A limited permit, and renewal of the permit, sixty-five 20281
dollars; 20282

(4) A duplicate license or permit, twenty dollars; 20283

(5) For processing a late application for renewal of any 20284
license or permit, an additional fee equal to fifty per cent of 20285
the fee for the renewal. 20286

(B) The board shall not require a licensed dietitian holding 20287
an inactive license to pay the renewal fee. 20288

(C) Subject to the approval of the controlling board, the 20289
Ohio board of dietetics may establish fees in excess of the 20290
amounts provided in division (A) of this section, provided that 20291
the fees do not exceed the amounts by greater than fifty per cent. 20292

(D) The board may adopt rules pursuant to Chapter 119. of the 20293
Revised Code to waive all or part of the fee for an initial 20294
license if the license is issued within one hundred days of the 20295
date of expiration of the license. 20296

(E) ~~All~~ The executive director of the board shall deposit all 20297
receipts of the board ~~shall be deposited in the state treasury to~~ 20298
~~the credit of~~ into the occupational licensing and regulatory fund. 20299
All vouchers of the board shall be approved by the ~~chairperson or~~ 20300
~~secretary of the board, or both, as authorized by the board~~ 20301
executive director. 20302

Sec. 4761.02. The governor, with the advice and consent of 20303
the senate, shall appoint the Ohio respiratory care board, 20304
consisting of nine residents of this state. Five members of the 20305
board shall be respiratory care professionals who were engaged in 20306
or actively associated with the practice of respiratory care in 20307
this state for at least five years immediately preceding 20308
appointment. Two members shall be home medical equipment services 20309
providers with not less than five years of management experience 20310
in home medical equipment services prior to appointment. One 20311
member shall be a physician who has clinical training and 20312
experience in the management of pulmonary disease. One member 20313
shall represent the public. 20314

After the term of a member of the board expires or becomes 20315
vacant, the Ohio state medical association may submit to the 20316
governor the names of nominees for the board position to be filled 20317
by a physician. The board of directors of the Ohio society for 20318
respiratory care, inc., may recommend to the governor at least 20319
three persons for each board position to be filled by a 20320
respiratory care professional. The American lung association of 20321
Ohio may submit to the governor the names of nominees for the 20322
board position to be filled by a person representing the public. 20323
The Ohio association of medical equipment services may submit to 20324
the governor the names of nominees for the two board positions to 20325
be filled by home medical equipment services providers. The 20326
governor shall consider these nominees in making the appointments. 20327

Of the two additional members of the board to be appointed 20328
who are respiratory care professionals who were engaged in or 20329
actively associated with the practice of respiratory care in this 20330
state for at least five years immediately preceding appointment, 20331
one shall be appointed for a term ending the fourteenth day of 20332
March immediately following the date that is one year after ~~the~~ 20333
~~effective date of this amendment~~ September 16, 2004, and one for a 20334
term ending on the fourteenth day of March immediately following 20335
the date that is two years after ~~the effective date of this~~ 20336
~~amendment~~ September 16, 2004. ~~Of the initial two home medical~~ 20337
~~equipment services providers appointed to the board, one shall be~~ 20338
~~appointed for a term ending the fourteenth day of March~~ 20339
~~immediately following the date that is one year after the~~ 20340
~~effective date of this amendment and one for a term ending the~~ 20341
~~fourteenth day of March immediately following the date that is two~~ 20342
~~years after the effective date of this amendment. Thereafter,~~ 20343
~~terms~~ Terms of office shall be for three years, each term ending 20344
on the same day of the same month of the year as did the term 20345
which it succeeds. A member shall serve subsequent to the 20346
expiration of the member's term until the member's successor is 20347
appointed and qualifies, or until a period of sixty days has 20348
elapsed, whichever occurs first. Each member, before entering upon 20349
the duties of office, shall subscribe to and file with the 20350
secretary of state the oath of office required under Section 7 of 20351
Article XV, Ohio Constitution. Vacancies shall be filled in the 20352
manner prescribed for the regular appointments to the board and 20353
shall be limited to the unexpired terms. Members of the board may 20354
be reappointed. 20355

Annually, upon the qualification of the member or members 20356
appointed in that year, the Ohio respiratory care board shall 20357
organize and shall select from its members a president and 20358
secretary. A majority of the members of the board shall constitute 20359

a quorum to transact and vote on the business of the board. 20360

Each member of the board shall receive an amount fixed 20361
pursuant to division (J) of section 124.15 of the Revised Code for 20362
each day actually employed in the discharge of the member's 20363
duties. In addition, each member shall receive actual and 20364
necessary expenses incurred in the performance of the member's 20365
official duties. 20366

~~The board shall employ an executive director who shall be in 20367
the unclassified service of the state. The executive director 20368
shall assist the board in the administration and enforcement of 20369
this chapter and shall employ individuals as the board considers 20370
necessary to provide that assistance In consultation with the 20371
board, the superintendent of professional regulation shall appoint 20372
the executive director of the board. The superintendent shall 20373
employ such additional persons as are necessary to administer this 20374
chapter and Chapter 4752. of the Revised Code. 20375~~

Sec. 4761.03. The Ohio respiratory care board shall regulate 20376
the practice of respiratory care in this state and the persons to 20377
whom the board issues licenses and limited permits under this 20378
chapter and shall license and register home medical equipment 20379
services providers under Chapter 4752. of the Revised Code ~~under 20380
this chapter~~. Rules adopted under this chapter that deal with the 20381
provision of respiratory care in a hospital, other than rules 20382
regulating the issuance of licenses or limited permits, shall be 20383
consistent with the conditions for participation under medicare, 20384
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 20385
U.S.C.A. 1395, as amended, and with the respiratory care 20386
accreditation standards of the joint commission on accreditation 20387
of healthcare organizations or the American osteopathic 20388
association. 20389

The board shall: 20390

(A) Adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing:

(1) The form and manner for filing applications for licensure and renewal, limited permits, and limited permit extensions under sections 4761.05 and 4761.06 of the Revised Code;

(2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal, in accordance with section 4761.06 of the Revised Code;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the denial, suspension, permanent revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action and hearings under section 4761.09 of the Revised Code;

(7) Standards of ethical conduct for the practice of respiratory care;

(8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice;

(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;

(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A)(4) of section 4761.11 of the Revised Code.

(B) Determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit;

(C) Determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code;

(D) Schedule, administer, and score the licensing examination or any reexamination for license renewal or reinstatement. The board shall administer the licensing examinations at least twice a year and notify applicants of the time and place of the examinations.

(E) Investigate complaints concerning alleged violations of section 4761.10 of the Revised Code or grounds for the suspension, permanent revocation, or refusal to issue licenses or limited permits under section 3123.47 or 4761.09 of the Revised Code. ~~The board shall employ investigators who~~ Investigators shall, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as, in the judgment of the board, are appropriate to enforce sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised Code. Pursuant to an investigation and inspection, the investigators may review and audit records during normal business hours at the place of business of a licensee or person who is the subject of a complaint filed with the board or at any place where the records are kept.

~~Except when required by court order, the board and its employees shall not disclose~~ confidential information obtained during an investigation or identifying information about any

person who files a complaint with the board shall not be 20452
disclosed. 20453

The board may hear testimony in matters relating to the 20454
duties imposed upon it and issue subpoenas pursuant to an 20455
investigation. The president and secretary of the board may 20456
administer oaths. 20457

(F) Conduct hearings, keep records of its proceedings, and do 20458
all such other things as are necessary and proper to carry out and 20459
enforce the provisions of this chapter; 20460

(G) Maintain, publish, and make available upon request, for a 20461
fee not to exceed the actual cost of printing and mailing: 20462

(1) The requirements for the issuance of licenses and limited 20463
permits under this chapter and rules adopted by the board; 20464

(2) A current register of every person licensed to practice 20465
respiratory care in this state, to include the addresses of the 20466
person's last known place of business and residence, the effective 20467
date and identification number of the license, the name and 20468
location of the institution that granted the person's degree or 20469
certificate of completion of respiratory care educational 20470
requirements, and the date the degree or certificate was issued; 20471

(3) A list of the names and locations of the institutions 20472
that each year granted degrees or certificates of completion in 20473
respiratory care; 20474

(4) After the administration of each examination, a list of 20475
persons who passed the examination. 20476

(H) Submit to the governor and to the general assembly each 20477
year a report of all of its official actions during the preceding 20478
year, together with any findings and recommendations with regard 20479
to the improvement of the profession of respiratory care; 20480

(I) Administer and enforce Chapter 4752. of the Revised Code. 20481

Sec. 4761.07. (A) The Ohio respiratory care board shall 20482
charge any license applicant or holder who is to take an 20483
examination required under division (A)(3) of section 4761.04 or a 20484
reexamination required under division (B) of section 4761.06 of 20485
the Revised Code for license renewal or under section 4761.09 of 20486
the Revised Code for license reinstatement, a nonrefundable 20487
examination fee, not to exceed the amount necessary to cover the 20488
expense of administering the examination. The license applicant or 20489
holder shall pay the fee at the time of application for licensure 20490
or renewal. 20491

(B) The board shall establish the following additional 20492
nonrefundable fees and penalty: 20493

(1) An initial license fee, not to exceed seventy-five 20494
dollars; 20495

(2) A biennial license renewal fee, not to exceed one hundred 20496
dollars; 20497

(3) A limited permit fee, not to exceed twenty dollars; 20498

(4) A limited permit renewal fee, not to exceed ten dollars; 20499

(5) A late renewal penalty, not to exceed fifty per cent of 20500
the renewal fee. 20501

(C) Notwithstanding division (B)(4) of this section, after 20502
the third renewal of a limited permit that meets the exception in 20503
division (B)(3) of section 4761.05 of the Revised Code, the 20504
limited permit renewal fee shall be one-half the amount of the 20505
biennial license renewal fee established under division (B)(2) of 20506
this section and section 4761.08 of the Revised Code. 20507

(D) The board shall adjust the fees biennially and within the 20508
limits established by division (B) of this section to provide 20509
sufficient revenues to meet its expenses. 20510

(E) The board may, by rule, provide for the waiver of all or 20511
part of a license fee when the license is issued less than 20512
eighteen months before its expiration date. 20513

(F) ~~All~~ The executive director of the board shall deposit all 20514
fees received by the board ~~shall be deposited~~ into the ~~state~~ 20515
~~treasury to the credit of the~~ occupational licensing and 20516
regulatory fund. All vouchers shall be approved by the executive 20517
director. 20518

Sec. 4766.02. (A) There is hereby created the Ohio medical 20519
transportation board, consisting of nine voting members and one 20520
nonvoting member who shall be residents of this state and 20521
appointed by the governor with the advice and consent of the 20522
senate. Except as provided in division (B) of this section, 20523
members shall serve terms of two years. One voting member shall be 20524
a member of the Ohio ambulance association; two voting members, 20525
one of whom shall be a licensed funeral director, shall be owners 20526
or operators of private emergency medical service organizations 20527
operating in this state; one voting member shall be a consumer of 20528
emergency medical services who is not associated with any public 20529
or private emergency medical service organization; one voting 20530
member shall be an official with a public emergency medical 20531
service organization; two voting members shall be owners or 20532
operators of nonemergency medical service organizations that 20533
provide ambulette services only, and two voting members shall be 20534
members of the Ohio association of critical care transport, one 20535
member representing air-based services and the other representing 20536
a ground-based mobile intensive care unit organization. A 20537
physician who holds a certificate to practice issued under Chapter 20538
4731. of the Revised Code who is a member of the American college 20539
of emergency physicians shall serve as the nonvoting member. The 20540
board shall annually select from its membership a chair and a 20541

vice-chair to act as chair in the chair's absence. 20542

(B) Any member appointed to fill a vacancy occurring prior to 20543
the expiration date of the term for which the member's predecessor 20544
was appointed shall hold office for the remainder of that term. 20545
Every member shall continue in office subsequent to the expiration 20546
date of the member's term until the member's successor takes 20547
office, or until a period of sixty days has elapsed, whichever 20548
occurs first. 20549

(C) Five members shall constitute a quorum for the 20550
transaction of business, and the affirmative vote of five members 20551
is required for the board to take any official action. The board, 20552
after notice and hearing, may remove a member by majority vote for 20553
malfeasance, misfeasance, or nonfeasance. 20554

Members of the board shall be reimbursed for actual and 20555
necessary expenses incurred in attending meetings of the board and 20556
in the performance of their official duties. ~~The board may hire~~ 20557
~~such employees as are necessary to enable it to execute its duties~~ 20558
In consultation with the board, the superintendent of professional 20559
regulation shall appoint the executive director of the board. The 20560
superintendent shall employ such additional persons as are 20561
necessary to administer this chapter. 20562

(D) The division of emergency medical services within the 20563
department of public safety shall provide the board with office 20564
space, but the board shall not be a part of the division or the 20565
department. 20566

(E) The board is the sole supervisory body regarding the 20567
licensing of private ambulance service organizations in this 20568
state. 20569

(F) The board is the sole supervisory body regarding the 20570
licensing of private nonemergency medical service organizations in 20571

this state.

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(G) The board is the sole supervisory body regarding the
licensing of private air medical service organizations in this
state.

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Sec. 4766.05. (A) The Ohio medical transportation board shall
establish by rule a license fee, a permit fee for each ambulance,
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and
nontransport vehicle owned or leased by the licensee that is or
will be used as provided in section 4766.07 of the Revised Code,
and fees for renewals of licenses and permits, taking into
consideration the actual costs incurred by the board in carrying
out its duties under this chapter. However, the fee for each
license and each renewal of a license shall not exceed one hundred
dollars, and the fee for each permit and each renewal of a permit
shall not exceed one hundred dollars for each ambulance,
rotorcraft air ambulance, fixed wing air ambulance, and
nontransport vehicle. The fee for each permit and each renewal of
a permit shall be twenty-five dollars for each ambulette for one
year after ~~the effective date of this amendment~~ March 9, 2004.
Thereafter, the board shall determine by rule the fee, which shall
not exceed fifty dollars, for each permit and each renewal of a
permit for each ambulette. For purposes of establishing fees,
"actual costs" includes the costs of salaries, expenses,
inspection equipment, supervision, and program administration.

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(B) The executive director of the board shall deposit all
fees and other moneys collected pursuant to sections 4766.04,
4766.07, and 4766.08 of the Revised Code ~~in the state treasury to~~
~~the credit of the Ohio medical transportation trust fund, which is~~
~~hereby created. All moneys from the fund shall be used solely for~~
~~the salaries and expenses of the board incurred in implementing~~
~~and enforcing this chapter~~ into the occupational licensing and

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regulatory fund. All vouchers of the board shall be approved by 20603
the executive director. 20604

(C) The board, subject to the approval of the controlling 20605
board, may establish fees in excess of the maximum amounts allowed 20606
under division (A) of this section, but such fees shall not exceed 20607
those maximum amounts by more than fifty per cent. 20608

Sec. 4771.22. The executive director of the Ohio athletic 20609
commission shall deposit all money ~~it receives~~ received by the 20610
commission under this chapter ~~to~~ into the ~~credit of the~~ 20611
occupational licensing and regulatory fund, ~~created under section~~ 20612
~~4743.05 of the Revised Code.~~ 20613

Sec. 4775.04. (A) The board of motor vehicle collision repair 20614
registration shall do all of the following: 20615

(1) Adopt rules as necessary to carry out the purposes of 20616
this chapter. The rules shall include requirements for the type of 20617
liability insurance required under division (A) of section 4775.07 20618
of the Revised Code. The rules shall permit the use of an 20619
insurance policy issued by any insurer authorized to issue that 20620
type of insurance in this state. 20621

~~(2) Appoint an executive director to serve at the pleasure of~~ 20622
~~the board;~~ 20623

~~(3) Direct the executive director as to how the executive~~ 20624
~~director shall perform the duties imposed under this chapter;~~ 20625

~~(4) Consider and make recommendations in regard to all~~ 20626
~~matters submitted to the board by the executive director;~~ 20627

~~(5)~~(3) Determine whether to refuse to issue or renew a 20628
registration certificate or determine whether to waive a 20629
suspension of a registration certificate as provided in division 20630
(D) of section 4775.07 of the Revised Code; 20631

~~(6)(4)~~ Do all acts and perform all functions as are necessary 20632
for the administration and enforcement of this chapter. 20633

(B) Nothing in this chapter shall be interpreted as granting 20634
the board any authority over a motor vehicle collision repair 20635
operator concerning the quality of work performed in the repair 20636
of, or installation of parts on, motor vehicles. 20637

(C) In consultation with the board, the superintendent of 20638
professional regulation shall appoint the executive director of 20639
the board. The superintendent shall employ such additional persons 20640
as are necessary to administer this chapter. 20641

Sec. 4775.05. (A) The board of motor vehicle collision repair 20642
registration ~~shall appoint an individual who is not a member of 20643
the board as a full time employee of the board to serve as the 20644
executive director of the board. The executive director shall 20645
serve at the pleasure and direction of the board. The director of 20646
administrative services shall establish the executive director's 20647
salary in a pay range as provided in division (J) of section 20648
124.15 of the Revised Code. The executive director, subject to the 20649
approval of the board, shall determine the office space, supplies, 20650
and professional and clerical assistance necessary to effectively 20651
perform the executive director's duties.~~ 20652

~~(B) The executive director shall perform all the following 20653
duties:~~ 20654

(1) Review ~~and submit to the board, for its approval,~~ 20655
applications for registration pursuant to section 4775.07 of the 20656
Revised Code; 20657

(2) Issue registration certificates, ~~as approved by the 20658
board,~~ to persons who meet the qualifications for registration 20659
under division (A) of section 4775.07 of the Revised Code; 20660

(3) Maintain a written record of all persons registered 20661

pursuant to section 4775.07 of the Revised Code. The record shall
include the name, address, and motor vehicle collision repair
registration certificate number of each registered motor vehicle
collision repair operator. The ~~executive director~~ board shall make
this record available to any person upon request and payment of a
fee sufficient to cover the cost of copying the record.

(4) Collect all fees pursuant to section 4775.08 of the
Revised Code;

~~(5) Appoint enforcement officers as needed to assist the
executive director in carrying out this chapter, who shall serve
at the pleasure of the director;~~

~~(6)~~ Gather evidence of violations of this chapter by any
person or motor vehicle collision repair operator, or any partner
or officer of any motor vehicle collision repair operator, and,
upon reasonable belief that a violation has occurred, present the
evidence to the board for its consideration. Nothing in division
(B)(6) of this section shall be construed as authorizing the
executive director or the board to enforce any provision of law
other than this chapter. If, however, the executive director or
board, in conducting investigations under those sections,
determines or suspects that a person has violated any other
provision of law, the executive director or board shall notify the
governmental entity that is responsible for enforcement of that
provision of law.

~~(7) Serve as secretary of the board and maintain~~ (6) Maintain
a ~~written~~ record of all of the proceedings of the board;

~~(8)~~(7) Notify all motor vehicle collision repair operators of
changes in the motor vehicle collision repair law and rules
adopted pursuant to that law;

~~(9)~~(8) Do all other things requested by the board for the
administration and enforcement of this chapter.

~~(C)~~(B) The executive director may provide information 20693
relevant to motor vehicle collision repair to motor vehicle 20694
collision repair operators or other persons, and may communicate 20695
with any person, or respond to communications from any person, in 20696
matters pertaining to motor vehicle collision repair. 20697

Sec. 4775.06. An enforcement officer appointed by the 20698
~~executive director~~ superintendent of professional regulation to 20699
assist the executive director of the board of motor vehicle 20700
collision repair registration in carrying out this chapter shall 20701
report to the executive director and the board ~~of motor vehicle~~ 20702
~~collision repair registration~~ the name and address of any motor 20703
vehicle collision repair operator that the officer has reasonable 20704
grounds to believe is operating in violation of this chapter, and 20705
shall notify the operator of the suspected violation. Within sixty 20706
days after notification is sent, an enforcement officer shall 20707
determine whether the motor vehicle collision repair operator who 20708
has been notified of a suspected violation has come into 20709
compliance with the requirements of this chapter. If the motor 20710
vehicle collision repair operator fails to correct the suspected 20711
violation within sixty days after the date the operator receives 20712
the notification, the enforcement officer shall notify the 20713
executive director and the board of the operator's failure to 20714
correct the suspected violation. Upon receiving a second 20715
notification of an operator's failure to comply with this chapter, 20716
the executive director shall notify the government entity having 20717
enforcement authority over the condition or activity giving rise 20718
to the suspected violation in writing of the condition or 20719
activity, the nature of the suspected violation, and the name and 20720
address of the operator suspected of violating this chapter. An 20721
enforcement officer shall monitor periodically the progress of any 20722
action taken in connection with the suspected violation with the 20723
appropriate government entity, including any investigation or 20724

charges that are filed in connection with the suspected violation. 20725
Upon obtaining such information, the executive director or the 20726
enforcement officer monitoring such progress shall notify the 20727
board of the progress of the suspected violation and any 20728
accompanying investigation, charges, or other action taken in 20729
connection with the suspected violation. 20730

Sec. 4775.08. (A) The initial and annual renewal fee for a 20731
motor vehicle collision repair registration certificate and for a 20732
temporary motor vehicle collision repair registration certificate 20733
is one hundred fifty dollars for each business location at which 20734
the motor vehicle collision repair operator conducts business as 20735
an operator, except that the board of motor vehicle collision 20736
repair registration, with the approval of the controlling board, 20737
may establish fees in excess of or less than that amount, provided 20738
that such fees do not exceed or are not less than that amount by 20739
more than fifty per cent. 20740

The board shall adjust the fees as necessary in order to 20741
provide for the expenses associated with carrying out this chapter 20742
without causing an excessive build-up of surplus funds ~~in the~~ 20743
~~motor vehicle collision repair registration fund, which is hereby~~ 20744
~~created in the state treasury.~~ 20745

(B) If the board has notified or attempted to notify a motor 20746
vehicle collision repair operator that the operator is required to 20747
be registered under this chapter, and the operator fails to 20748
register, the initial fee for the registration of such an 20749
unregistered operator for each business location at which the 20750
operator conducts business as an operator, is the initial fee then 20751
in effect plus an additional amount equal to the initial fee then 20752
in effect for each calendar year that the operator is not 20753
registered after the board has notified or attempted to notify the 20754
operator. 20755

(C) The ~~board~~ executive director shall deposit all fees and 20756
fines collected under this chapter into the ~~motor vehicle~~ 20757
~~collision repair registration~~ occupational licensing and 20758
regulatory fund. ~~The board shall use the fund solely for the~~ 20759
~~administration and enforcement of this chapter~~ All vouchers of the 20760
board shall be approved by the executive director. 20761

Sec. 4779.06. Meetings of the state board of orthotics, 20762
prosthetics, and pedorthics shall be held at times and places 20763
established by the board, except that the board's annual meeting 20764
shall be held in this state in September. Four members of the 20765
board shall constitute a quorum for the transaction of business, 20766
and the affirmative vote of not fewer than four members is 20767
required for the board to take any official action. The board 20768
shall annually select from its membership a president and a 20769
secretary. 20770

Members of the board shall receive no compensation but shall 20771
be reimbursed for actual and necessary expenses incurred in 20772
attending meetings of the board and in the performance of their 20773
official duties. ~~The board may employ such employees as are~~ 20774
~~necessary to enable it to execute its duties~~ In consultation with 20775
the board, the superintendent of professional regulation shall 20776
appoint the executive director of the board. The superintendent 20777
shall employ such additional persons as are necessary to 20778
administer this chapter. 20779

Sec. 4779.08. (A) The state board of orthotics, prosthetics, 20780
and pedorthics shall adopt rules in accordance with Chapter 119. 20781
of the Revised Code to carry out the purposes of this chapter, 20782
including rules prescribing all of the following: 20783

(1) The form and manner of filing of applications to be 20784
admitted to examinations and for licensure and license renewal; 20785

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;	20786 20787 20788
(3) The form, scoring, and scheduling of licensing examinations;	20789 20790
(4) Fees for examinations and applications for licensure and license renewal;	20791 20792
(5) Fees for approval of continuing education courses;	20793
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	20794 20795
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	20796 20797
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	20798 20799
(9) Fines for violations of this chapter;	20800
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	20801 20802 20803
(11) Standards for continuing education programs required for license renewal;	20804 20805
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	20806 20807
(B) The board may adopt any other rules necessary for the administration of this chapter.	20808 20809
(C) The fees prescribed by this section shall be paid to the treasurer of state, who <u>executive director of the board</u> shall deposit the fees in <u>all receipts of the board</u> into the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. <u>All vouchers of the board shall be</u>	20810 20811 20812 20813 20814

approved by the executive director. 20815

Sec. 4779.17. The state board of orthotics, prosthetics, and 20816
pedorthics shall issue a license under section 4779.09 of the 20817
Revised Code to practice orthotics, prosthetics, orthotics and 20818
prosthetics, or pedorthics without examination to an applicant who 20819
meets all of the following requirements: 20820

(A) Applies to the board in accordance with section 4779.09 20821
of the Revised Code; 20822

(B) Holds a license to practice orthotics, prosthetics, 20823
orthotics and prosthetics, or pedorthics issued by the appropriate 20824
authority of another state; 20825

(C) One of the following applies: 20826

(1) In the case of an applicant for a license to practice 20827
orthotics, the applicant meets the requirements in divisions 20828
(A)(2) and (3) of section 4779.10 of the Revised Code. 20829

(2) In the case of an applicant for a license to practice 20830
prosthetics, the applicant meets the requirements in divisions 20831
(A)(2) and (3) of section 4779.11 of the Revised Code. 20832

(3) In the case of an applicant for a license to practice 20833
orthotics and prosthetics, the applicant meets the requirements in 20834
divisions (A)(2) and (3) of section 4779.12 of the Revised Code. 20835

(4) In the case of an applicant for a license to practice 20836
pedorthics, the applicant meets the requirements in divisions (B) 20837
and (C) of section 4779.13 of the Revised Code. 20838

(D) The executive director of the board shall deposit all 20839
fees prescribed by this section ~~shall be paid to the treasurer of~~ 20840
~~state, who shall deposit the fees in~~ into the occupational 20841
licensing and regulatory fund established in section 4743.05 of 20842
the Revised Code. 20843

Sec. 4779.18. (A) The state board of orthotics, prosthetics, 20844
and pedorthics shall issue a temporary license to an individual 20845
who meets all of the following requirements: 20846

(1) Applies to the board in accordance with rules adopted 20847
under section 4779.08 of the Revised Code and pays the application 20848
fee specified in the rules; 20849

(2) Is eighteen years of age or older; 20850

(3) Is of good moral character; 20851

(4) One of the following applies: 20852

(a) In the case of an applicant for a license to practice 20853
orthotics, the applicant meets the requirements in divisions 20854
(A)(2) and (3) of section 4779.10 of the Revised Code. 20855

(b) In the case of an applicant for a license to practice 20856
prosthetics, the applicant meets the requirements in divisions 20857
(A)(2) and (3) of section 4779.11 of the Revised Code. 20858

(c) In the case of an applicant for a license to practice 20859
orthotics and prosthetics, the applicant meets the requirements in 20860
divisions (A)(2) and (3) of section 4779.12 of the Revised Code. 20861

(d) In the case of an applicant for a license to practice 20862
pedorthics, the applicant meets the requirements in divisions (B) 20863
and (C) of section 4779.13 of the Revised Code. 20864

(B) A temporary license issued under this section is valid 20865
for one year and may be renewed once in accordance with rules 20866
adopted by the board under section 4779.08 of the Revised Code. 20867

An individual who holds a temporary license may practice 20868
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 20869
only under the supervision of an individual who holds a license 20870
issued under section 4779.09 of the Revised Code in the same area 20871
of practice. 20872

(C) The executive director of the board shall deposit all 20873
fees prescribed by this section ~~shall be paid to the treasurer of~~ 20874
~~state, who shall deposit the fees in~~ into the occupational 20875
licensing and regulatory fund established in section 4743.05 of 20876
the Revised Code. 20877

Sec. 4781.03. (A) No member of the manufactured homes 20878
commission may participate in any vote regarding a contract or 20879
license the commission awards if the member has a direct pecuniary 20880
or fiduciary interest in that contract or license. 20881

(B) The commission shall meet at least three times each 20882
calendar year, upon the call of the chairperson or the written 20883
request of a majority of the members. The chairperson shall 20884
establish the time and place for each meeting. Five members 20885
constitute a quorum, and at least five votes are necessary for the 20886
commission to take action. 20887

(C)(1) The commission shall elect a member as chairperson and 20888
a member as vice-chairperson, with each serving for one year. 20889

(2) The chairperson shall preside at all meetings with the 20890
vice-chairperson presiding in the chairperson's absence. At any 20891
time the chairperson and vice-chairperson are absent from a 20892
meeting when a quorum exists, the members present shall elect a 20893
presiding officer to act during the absence of the chairperson and 20894
vice-chairperson. 20895

(D) Members of the commission receive no compensation for 20896
serving on the commission. Members are entitled to reimbursement 20897
for actual and necessary expenses incurred in the discharge of 20898
their official duties, including travel expenses. 20899

(E) ~~The commission may employ administrative staff, not in~~ 20900
~~the classified civil service, including an executive director, to~~ 20901
~~serve at the pleasure of the commission to carry out duties and~~ 20902

~~functions the commission authorizes~~ In consultation with the 20903
commission, the superintendent of professional regulation shall 20904
appoint the executive director of the commission. The 20905
superintendent shall employ such additional persons as are 20906
necessary to administer this chapter. 20907

(F) Serving as a member of the manufactured homes commission 20908
does not constitute holding a public office or position of 20909
employment, and service on the commission is not grounds for 20910
removing a commission member from a public office or position of 20911
employment. 20912

Sec. 4781.04. (A) The manufactured homes commission shall 20913
adopt rules pursuant to Chapter 119. of the Revised Code to do all 20914
of the following: 20915

(1) Establish uniform standards that govern the installation 20916
of manufactured housing. ~~The standards shall~~ Not later than one 20917
hundred eighty days after the secretary of the United States 20918
department of housing and urban development adopts model standards 20919
for the installation of manufactured housing or amends those 20920
standards, the commission shall amend its standards as necessary 20921
to be consistent with, and not less stringent than, the model 20922
standards for the design and installation of manufactured housing 20923
~~adopted by the secretary of the United States department of~~ 20924
~~housing and urban development~~ adopts or any manufacturers' 20925
standards that the secretary determines are equal to or not less 20926
stringent than the model standards. 20927

(2) Govern the inspection of the installation of manufactured 20928
housing. The rules shall specify that the department of health or 20929
a licenser, as determined by the director of health, shall conduct 20930
all inspections of the installation of manufactured housing 20931
located in manufactured home parks to determine compliance with 20932
the uniform installation standards the commission establishes 20933

pursuant to this section. The rules shall specify that all 20934
installation inspections in a manufactured home park the 20935
department of health or the licensor conducts shall be conducted 20936
by a person who has completed an installation training course 20937
approved by the commission pursuant to division (B) of section 20938
4781.04 of the Revised Code. 20939

As used in division (A)(2) of this section, "licensor" has 20940
the same meaning as in section 3733.01 of the Revised Code. 20941

(3) Govern the design, construction, installation, approval, 20942
and inspection of foundations and the base support systems for 20943
manufactured housing. The rules shall specify that the department 20944
of health or the licensor, as determined by the director of 20945
health, shall conduct all inspections of the installation, 20946
foundations, and base support systems of manufactured housing 20947
located in manufactured home parks to determine compliance with 20948
the uniform installation standards and foundation and base support 20949
system design the commission establishes pursuant to this section. 20950
The rules shall specify that all foundation and base support 20951
system inspections in a manufactured home park the department of 20952
health or the licensor conducts shall be conducted by a person who 20953
has completed an installation training course approved by the 20954
commission pursuant to division (B) of section 4781.04 of the 20955
Revised Code. 20956

As used in division (A)(3) of this section, "licensor" has 20957
the same meaning as in section 3733.01 of the Revised Code. 20958

(4) Govern the training, experience, and education 20959
requirements for manufactured housing installers; 20960

(5) Establish a code of ethics for manufactured housing 20961
installers; 20962

(6) Govern the issuance, revocation, and suspension of 20963
licenses to manufactured housing installers; 20964

- (7) Establish fees for the issuance and renewal of licenses, 20965
for conducting inspections to determine an applicant's compliance 20966
with this chapter and the rules adopted pursuant to it, and for 20967
the commission's expenses incurred in implementing this chapter; 20968
- (8) Establish conditions under which a licensee may enter 20969
into contracts to fulfill the licensee's responsibilities; 20970
- (9) Govern the investigation of complaints concerning any 20971
violation of this chapter or the rules adopted pursuant to it or 20972
complaints involving the conduct of any licensed manufactured 20973
housing installer or person installing manufactured housing 20974
without a license; 20975
- (10) Establish a dispute resolution program for the timely 20976
resolution of warranty issues involving new manufactured homes, 20977
disputes regarding responsibility for the correction or repair of 20978
defects in manufactured housing, and the installation of 20979
manufactured housing. The rules shall provide for the timely 20980
resolution of disputes between manufacturers, retailers, and 20981
installers regarding the correction or repair of defects in 20982
manufactured housing that are reported by the purchaser of the 20983
home during the one-year period beginning on the date of 20984
installation of the home. The rules also shall provide that 20985
decisions made regarding the dispute under the program are not 20986
binding upon the purchaser of the home or the other parties 20987
involved in the dispute unless the purchaser so agrees in a 20988
written acknowledgement that the purchaser signs and delivers to 20989
the program within ten business days after the decision is issued. 20990
- (11) Establish the requirements and procedures for the 20991
certification of building departments and building department 20992
personnel pursuant to section 4781.07 of the Revised Code; 20993
- (12) Establish fees to be charged to building departments and 20994
building department personnel applying for certification and 20995

renewal of certification pursuant to section 4781.07 of the Revised Code;	20996 20997
(13) Carry out any other provision of this chapter.	20998
(B) The manufactured homes commission shall do all of the following:	20999 21000
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the commission determines appropriate;	21001 21002 21003 21004
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	21005 21006 21007
(3) Prepare and distribute any application form this chapter requires;	21008 21009
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	21010 21011
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	21012 21013
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	21014 21015 21016
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	21017 21018
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	21019 21020 21021 21022 21023
(9) Investigate complaints concerning violations of this	21024

chapter or the rules adopted pursuant to it, or the conduct of any	21025
manufactured housing installer;	21026
(10) Determine appropriate disciplinary actions for	21027
violations of this chapter;	21028
(11) Conduct audits and inquiries of manufactured housing	21029
installers as appropriate for the enforcement of this chapter. The	21030
commission, or any person the commission employs <u>employed pursuant</u>	21031
<u>to section 4781.03 of the Revised Code</u> for the purpose, may review	21032
and audit the business records of any manufactured housing	21033
installer during normal business hours.	21034
(12) Approve an installation training course, which may be	21035
offered by the Ohio manufactured homes association or other	21036
entity;	21037
(13) Perform any function or duty necessary to administer	21038
this chapter and the rules adopted pursuant to it.	21039
Sec. 4781.05. The executive director of the manufactured	21040
homes commission shall do all of the following:	21041
(A) With commission approval, secure and manage office space,	21042
supplies, and the professional and clerical staff necessary to	21043
effectively perform the executive director's and commission's	21044
duties;	21045
(B) Pursuant to rules the commission adopts, review	21046
applications for manufactured housing installer licenses and on	21047
behalf of the commission, issue licenses to qualified persons;	21048
(C) <u>(B)</u> Administer the dispute resolution program the	21049
commission develops if the commission does not contract with the	21050
Ohio manufactured homes association or another entity to	21051
administer the program;	21052
(D) <u>(C)</u> Administer any continuing education program the	21053

commission develops;	21054
(E) (D) Collect fees the commission establishes;	21055
(F) Except as provided in divisions (A)(2) and (3) of section	21056
4781.04 of the Revised Code, employ installation inspectors and	21057
investigators to serve at the executive director's pleasure to	21058
assist in carrying out the executive director's duties under this	21059
chapter or the duties the commission delegates to the executive	21060
director;	21061
(G) Serve as secretary of the commission and maintain (E)	21062
<u>Maintain</u> a written record of the commission's meetings and	21063
proceedings;	21064
(H) (F) Notify manufactured housing installers of changes in	21065
this chapter and the rules adopted pursuant to it;	21066
(I) (G) Do all <u>other</u> things the commission requests or	21067
delegates <u>necessary and proper</u> for the administration and	21068
enforcement of this chapter.	21069
Sec. 4781.13. The <u>executive director of the</u> manufactured	21070
homes commission, shall deposit all receipts, from any source, in	21071
the state treasury to the credit of <u>the commission into</u> the	21072
occupational licensing and regulatory fund. <u>All vouchers of the</u>	21073
<u>commission shall be approved by the executive director.</u>	21074
Sec. 5111.061. (A) The department of job and family services	21075
may recover a medicaid payment or portion of a payment made to a	21076
provider to which the provider is not entitled. The recovery may	21077
occur at any time <u>if the department notifies the provider of the</u>	21078
<u>overpayment</u> during the five-year period immediately following the	21079
end of the state fiscal year in which the overpayment was made.	21080
(B) Among the overpayments that may be recovered under this	21081
section are the following:	21082

(1) Payment for a service, or a day of service, not rendered;	21083
(2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate;	21084 21085
(3) Payment for a service, or day of service, that was paid by, or partially paid by, a third-party, as defined in section 5101.571 of the Revised Code, and the third-party's payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program;	21086 21087 21088 21089 21090 21091
(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.	21092 21093 21094
(C) During the period specified in division (A) of this section, the <u>The</u> department may recover an overpayment under this section prior to or after any of the following:	21095 21096 21097
(1) Adjudication of a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;	21098 21099 21100
(2) Adjudication of a finding under any other provision of this chapter or the rules adopted under it;	21101 21102
(3) Expiration of the time to issue a final fiscal audit that section 5111.06 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;	21103 21104 21105
(4) Expiration of the time to issue a finding under any other provision of this chapter or the rules adopted under it.	21106 21107
(D)(1) Subject to division (D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:	21108 21109 21110
(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5111.06 of the	21111 21112

Revised Code;	21113
(b) Issuing a finding under any other provision of this chapter or the rules adopted under it.	21114 21115
(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.	21116 21117 21118
(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.	21119 21120 21121
Sec. 5111.082 <u>5111.081</u>. The director of job and family services, in rules adopted under section 5111.02 of the Revised Code, may establish and implement a supplemental drug rebate program under which drug manufacturers may be required to provide the department of job and family services a supplemental rebate as a condition of having the drug manufacturers' drug products covered by the medicaid program without prior approval. The department may receive a supplemental rebate negotiated under the program for a drug dispensed to a medicaid recipient pursuant to a prescription or a drug purchased by a medicaid provider for administration to a medicaid recipient in the provider's primary place of business. If necessary, the director may apply to the United States secretary of health and human services for a waiver of federal statutes and regulations to establish the supplemental drug rebate program.	21122 21123 21124 21125 21126 21127 21128 21129 21130 21131 21132 21133 21134 21135 21136
If the director establishes a supplemental drug rebate program, the director shall consult with drug manufacturers regarding the establishment and implementation of the program.	21137 21138 21139
Sec. 5111.083 <u>5111.082</u>. (A) As used in this section:	21140
(1) "State maximum allowable cost" means the per unit amount	21141

the department of job and family services reimburses a terminal distributor of dangerous drugs for a prescription drug included in the state maximum allowable cost program established under division (B) of this section. "State maximum allowable cost" excludes dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

(2) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B) The director of job and family services shall establish a state maximum allowable cost program for purposes of managing reimbursement to terminal distributors of dangerous drugs for prescription drugs identified by the director pursuant to this division. The director shall do all of the following with respect to the program:

(1) Identify and create a list of prescription drugs to be included in the program.

(2) Update the list of prescription drugs described in division (B)(1) of this section on a weekly basis.

(3) Review the state maximum allowable cost for each drug included on the list described in division (B)(1) of this section on a weekly basis.

(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. ~~5111.084~~ 5111.083. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B) The director of job and family services may establish an e-prescribing system for the medicaid program under which a medicaid provider who is a licensed health professional authorized to prescribe drugs shall use an electronic system to prescribe a

drug for a medicaid recipient when required to do so by division 21172
(C) of this section. The e-prescribing system shall eliminate the 21173
need for such medicaid providers to make prescriptions for 21174
medicaid recipients by handwriting or telephone. The e-prescribing 21175
system also shall provide such medicaid providers with an 21176
up-to-date, clinically relevant drug information database and a 21177
system of electronically monitoring medicaid recipients' medical 21178
history, drug regimen compliance, and fraud and abuse. 21179

(C) If the director establishes an e-prescribing system under 21180
division (B) of this section, the director shall do all of the 21181
following: 21182

(1) Require that a medicaid provider who is a licensed health 21183
professional authorized to prescribe drugs use the e-prescribing 21184
system during a fiscal year if the medicaid provider was one of 21185
the ten medicaid providers who, during the calendar year that 21186
precedes that fiscal year, issued the most prescriptions for 21187
medicaid recipients receiving hospital services; 21188

(2) Before the beginning of each fiscal year, determine the 21189
ten medicaid providers that issued the most prescriptions for 21190
medicaid recipients receiving hospital services during the 21191
calendar year that precedes the upcoming fiscal year and notify 21192
those medicaid providers that they must use the e-prescribing 21193
system for the upcoming fiscal year; 21194

(3) Seek the most federal financial participation available 21195
for the development and implementation of the e-prescribing 21196
system. 21197

Sec. ~~5111.085~~ 5111.084. There is hereby established the 21198
pharmacy and therapeutics committee of the department of job and 21199
family services. The committee shall consist of nine members and 21200
shall be appointed by the director of job and family services. The 21201

membership of the committee shall include: three pharmacists 21202
licensed under Chapter 4729. of the Revised Code; two doctors of 21203
medicine and two doctors of osteopathy licensed under Chapter 21204
4731. of the Revised Code; a registered nurse licensed under 21205
Chapter 4723. of the Revised Code; and a pharmacologist who has a 21206
doctoral degree. The committee shall elect one of its members as 21207
chairperson. 21208

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the 21209
Revised Code: 21210

(A) "Allowable costs" are those costs determined by the 21211
department of job and family services to be reasonable and do not 21212
include fines paid under sections 5111.35 to 5111.61 and section 21213
5111.99 of the Revised Code. 21214

(B) "Ancillary and support costs" means all reasonable costs 21215
incurred by a nursing facility other than direct care costs or 21216
capital costs. "Ancillary and support costs" includes, but is not 21217
limited to, costs of activities, social services, pharmacy 21218
consultants, habilitation supervisors, qualified mental 21219
retardation professionals, program directors, medical and 21220
habilitation records, program supplies, incontinence supplies, 21221
food, enterals, dietary supplies and personnel, laundry, 21222
housekeeping, security, administration, medical equipment, 21223
utilities, liability insurance, bookkeeping, purchasing 21224
department, human resources, communications, travel, dues, license 21225
fees, subscriptions, home office costs not otherwise allocated, 21226
legal services, accounting services, minor equipment, maintenance 21227
and repairs, help-wanted advertising, informational advertising, 21228
start-up costs, organizational expenses, other interest, property 21229
insurance, employee training and staff development, employee 21230
benefits, payroll taxes, and workers' compensation premiums or 21231
costs for self-insurance claims and related costs as specified in 21232

rules adopted by the director of job and family services under 21233
section 5111.02 of the Revised Code, for personnel listed in this 21234
division. "Ancillary and support costs" also means the cost of 21235
equipment, including vehicles, acquired by operating lease 21236
executed before December 1, 1992, if the costs are reported as 21237
administrative and general costs on the facility's cost report for 21238
the cost reporting period ending December 31, 1992. 21239

(C) "Capital costs" means costs of ownership and, in the case 21240
of an intermediate care facility for the mentally retarded, costs 21241
of nonextensive renovation. 21242

(1) "Cost of ownership" means the actual expense incurred for 21243
all of the following: 21244

(a) Depreciation and interest on any capital assets that cost 21245
five hundred dollars or more per item, including the following: 21246

(i) Buildings; 21247

(ii) Building improvements that are not approved as 21248
nonextensive renovations under section 5111.251 of the Revised 21249
Code; 21250

(iii) Except as provided in division (B) of this section, 21251
equipment; 21252

(iv) In the case of an intermediate care facility for the 21253
mentally retarded, extensive renovations; 21254

(v) Transportation equipment. 21255

(b) Amortization and interest on land improvements and 21256
leasehold improvements; 21257

(c) Amortization of financing costs; 21258

(d) Except as provided in division (K) of this section, lease 21259
and rent of land, building, and equipment. 21260

The costs of capital assets of less than five hundred dollars 21261

per item may be considered capital costs in accordance with a 21262
provider's practice. 21263

(2) "Costs of nonextensive renovation" means the actual 21264
expense incurred by an intermediate care facility for the mentally 21265
retarded for depreciation or amortization and interest on 21266
renovations that are not extensive renovations. 21267

(D) "Capital lease" and "operating lease" shall be construed 21268
in accordance with generally accepted accounting principles. 21269

(E) "Case-mix score" means the measure determined under 21270
section 5111.232 of the Revised Code of the relative direct-care 21271
resources needed to provide care and habilitation to a resident of 21272
a nursing facility or intermediate care facility for the mentally 21273
retarded. 21274

(F) "Date of licensure," for a facility originally licensed 21275
as a nursing home under Chapter 3721. of the Revised Code, means 21276
the date specific beds were originally licensed as nursing home 21277
beds under that chapter, regardless of whether they were 21278
subsequently licensed as residential facility beds under section 21279
5123.19 of the Revised Code. For a facility originally licensed as 21280
a residential facility under section 5123.19 of the Revised Code, 21281
"date of licensure" means the date specific beds were originally 21282
licensed as residential facility beds under that section. 21283

(1) If nursing home beds licensed under Chapter 3721. of the 21284
Revised Code or residential facility beds licensed under section 21285
5123.19 of the Revised Code were not required by law to be 21286
licensed when they were originally used to provide nursing home or 21287
residential facility services, "date of licensure" means the date 21288
the beds first were used to provide nursing home or residential 21289
facility services, regardless of the date the present provider 21290
obtained licensure. 21291

(2) If a facility adds nursing home beds or residential 21292

facility beds or extensively renovates all or part of the facility 21293
after its original date of licensure, it will have a different 21294
date of licensure for the additional beds or extensively renovated 21295
portion of the facility, unless the beds are added in a space that 21296
was constructed at the same time as the previously licensed beds 21297
but was not licensed under Chapter 3721. or section 5123.19 of the 21298
Revised Code at that time. 21299

(G) "Desk-reviewed" means that costs as reported on a cost 21300
report submitted under section 5111.26 of the Revised Code have 21301
been subjected to a desk review under division (A) of section 21302
5111.27 of the Revised Code and preliminarily determined to be 21303
allowable costs. 21304

(H) "Direct care costs" means all of the following: 21305

(1)(a) Costs for registered nurses, licensed practical 21306
nurses, and nurse aides employed by the facility; 21307

(b) Costs for direct care staff, administrative nursing 21308
staff, medical directors, ~~habilitation staff, qualified mental~~ 21309
~~retardation professionals, program directors,~~ respiratory 21310
therapists, ~~habilitation supervisors,~~ and except as provided in 21311
division ~~(G)~~(H)(2) of this section, other persons holding degrees 21312
qualifying them to provide therapy; 21313

(c) Costs of purchased nursing services; 21314

(d) Costs of quality assurance; 21315

(e) Costs of training and staff development, employee 21316
benefits, payroll taxes, and workers' compensation premiums or 21317
costs for self-insurance claims and related costs as specified in 21318
rules adopted by the director of job and family services in 21319
accordance with Chapter 119. of the Revised Code, for personnel 21320
listed in divisions (H)(1)(a), (b), and (d) of this section; 21321

(f) Costs of consulting and management fees related to direct 21322

care;	21323
(g) Allocated direct care home office costs.	21324
(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include <u>costs of habilitation staff (other than habilitation supervisors)</u> , medical supplies, emergency oxygen, habilitation supplies, and universal precautions supplies.	21325 21326 21327 21328 21329
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	21330 21331 21332
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, <u>habilitation staff (including habilitation supervisors)</u> , <u>qualified mental retardation professionals, program directors,</u> social services staff, activities staff, psychologists and psychology assistants, and social workers and counselors;	21333 21334 21335 21336 21337 21338 21339
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in division (H)(3)(a) of this section.	21340 21341 21342 21343 21344
(4) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5111.02 of the Revised Code.	21345 21346 21347
(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	21348 21349
(J) "Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.	21350 21351
(K) "Indirect care costs" means all reasonable costs incurred	21352

by an intermediate care facility for the mentally retarded other 21353
than direct care costs, other protected costs, or capital costs. 21354
"Indirect care costs" includes but is not limited to costs of 21355
habilitation supplies, pharmacy consultants, medical and 21356
habilitation records, program supplies, incontinence supplies, 21357
food, enterals, dietary supplies and personnel, laundry, 21358
housekeeping, security, administration, liability insurance, 21359
bookkeeping, purchasing department, human resources, 21360
communications, travel, dues, license fees, subscriptions, home 21361
office costs not otherwise allocated, legal services, accounting 21362
services, minor equipment, maintenance and repairs, help-wanted 21363
advertising, informational advertising, start-up costs, 21364
organizational expenses, other interest, property insurance, 21365
employee training and staff development, employee benefits, 21366
payroll taxes, and workers' compensation premiums or costs for 21367
self-insurance claims and related costs as specified in rules 21368
adopted under section 5111.02 of the Revised Code, for personnel 21369
listed in this division. Notwithstanding division (C)(1) of this 21370
section, "indirect care costs" also means the cost of equipment, 21371
including vehicles, acquired by operating lease executed before 21372
December 1, 1992, if the costs are reported as administrative and 21373
general costs on the facility's cost report for the cost reporting 21374
period ending December 31, 1992. 21375

(L) "Inpatient days" means all days during which a resident, 21376
regardless of payment source, occupies a bed in a nursing facility 21377
or intermediate care facility for the mentally retarded that is 21378
included in the facility's certified capacity under Title XIX. 21379
Therapeutic or hospital leave days for which payment is made under 21380
section 5111.33 of the Revised Code are considered inpatient days 21381
proportionate to the percentage of the facility's per resident per 21382
day rate paid for those days. 21383

(M) "Intermediate care facility for the mentally retarded" 21384

means an intermediate care facility for the mentally retarded 21385
certified as in compliance with applicable standards for the 21386
medicaid program by the director of health in accordance with 21387
Title XIX. 21388

(N) "Maintenance and repair expenses" means, except as 21389
provided in division (BB)(2) of this section, expenditures that 21390
are necessary and proper to maintain an asset in a normally 21391
efficient working condition and that do not extend the useful life 21392
of the asset two years or more. "Maintenance and repair expenses" 21393
includes but is not limited to the cost of ordinary repairs such 21394
as painting and wallpapering. 21395

(O) "Medicaid days" means all days during which a resident 21396
who is a Medicaid recipient eligible for nursing facility services 21397
occupies a bed in a nursing facility that is included in the 21398
nursing facility's certified capacity under Title XIX. Therapeutic 21399
or hospital leave days for which payment is made under section 21400
5111.33 of the Revised Code are considered Medicaid days 21401
proportionate to the percentage of the nursing facility's per 21402
resident per day rate paid for those days. 21403

(P) "Nursing facility" means a facility, or a distinct part 21404
of a facility, that is certified as a nursing facility by the 21405
director of health in accordance with Title XIX and is not an 21406
intermediate care facility for the mentally retarded. "Nursing 21407
facility" includes a facility, or a distinct part of a facility, 21408
that is certified as a nursing facility by the director of health 21409
in accordance with Title XIX and is certified as a skilled nursing 21410
facility by the director in accordance with Title XVIII. 21411

(Q) "Operator" means the person or government entity 21412
responsible for the daily operating and management decisions for a 21413
nursing facility or intermediate care facility for the mentally 21414
retarded. 21415

(R) "Other protected costs" means costs incurred by an intermediate care facility for the mentally retarded for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5111.02 of the Revised Code.

(S)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility or intermediate care facility for the mentally retarded:

(a) The land on which the facility is located;

(b) The structure in which the facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the facility is located;

(d) Any lease or sublease of the land or structure on or in which the facility is located.

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility or intermediate care facility for the mentally retarded and purchased at public issue or a regulated lender that has made a loan related to the facility unless the holder or lender operates the facility directly or through a subsidiary.

(T) "Patient" includes "resident."

(U) Except as provided in divisions (U)(1) and (2) of this section, "per diem" means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable costs in a given cost center in a cost reporting period, divided by the

facility's inpatient days for that cost reporting period. 21446

(1) When calculating indirect care costs for the purpose of 21447
establishing rates under section 5111.241 of the Revised Code, 21448
"per diem" means an intermediate care facility for the mentally 21449
retarded's actual, allowable indirect care costs in a cost 21450
reporting period divided by the greater of the facility's 21451
inpatient days for that period or the number of inpatient days the 21452
facility would have had during that period if its occupancy rate 21453
had been eighty-five per cent. 21454

(2) When calculating capital costs for the purpose of 21455
establishing rates under section 5111.251 of the Revised Code, 21456
"per diem" means a facility's actual, allowable capital costs in a 21457
cost reporting period divided by the greater of the facility's 21458
inpatient days for that period or the number of inpatient days the 21459
facility would have had during that period if its occupancy rate 21460
had been ninety-five per cent. 21461

(V) "Provider" means an operator with a provider agreement. 21462

(W) "Provider agreement" means a contract between the 21463
department of job and family services and the operator of a 21464
nursing facility or intermediate care facility for the mentally 21465
retarded for the provision of nursing facility services or 21466
intermediate care facility services for the mentally retarded 21467
under the medicaid program. 21468

(X) "Purchased nursing services" means services that are 21469
provided in a nursing facility by registered nurses, licensed 21470
practical nurses, or nurse aides who are not employees of the 21471
facility. 21472

(Y) "Reasonable" means that a cost is an actual cost that is 21473
appropriate and helpful to develop and maintain the operation of 21474
patient care facilities and activities, including normal standby 21475
costs, and that does not exceed what a prudent buyer pays for a 21476

given item or services. Reasonable costs may vary from provider to 21477
provider and from time to time for the same provider. 21478

(Z) "Related party" means an individual or organization that, 21479
to a significant extent, has common ownership with, is associated 21480
or affiliated with, has control of, or is controlled by, the 21481
provider. 21482

(1) An individual who is a relative of an owner is a related 21483
party. 21484

(2) Common ownership exists when an individual or individuals 21485
possess significant ownership or equity in both the provider and 21486
the other organization. Significant ownership or equity exists 21487
when an individual or individuals possess five per cent ownership 21488
or equity in both the provider and a supplier. Significant 21489
ownership or equity is presumed to exist when an individual or 21490
individuals possess ten per cent ownership or equity in both the 21491
provider and another organization from which the provider 21492
purchases or leases real property. 21493

(3) Control exists when an individual or organization has the 21494
power, directly or indirectly, to significantly influence or 21495
direct the actions or policies of an organization. 21496

(4) An individual or organization that supplies goods or 21497
services to a provider shall not be considered a related party if 21498
all of the following conditions are met: 21499

(a) The supplier is a separate bona fide organization. 21500

(b) A substantial part of the supplier's business activity of 21501
the type carried on with the provider is transacted with others 21502
than the provider and there is an open, competitive market for the 21503
types of goods or services the supplier furnishes. 21504

(c) The types of goods or services are commonly obtained by 21505
other nursing facilities or intermediate care facilities for the 21506

mentally retarded from outside organizations and are not a basic
element of patient care ordinarily furnished directly to patients
by the facilities.

(d) The charge to the provider is in line with the charge for
the goods or services in the open market and no more than the
charge made under comparable circumstances to others by the
supplier.

(AA) "Relative of owner" means an individual who is related
to an owner of a nursing facility or intermediate care facility
for the mentally retarded by one of the following relationships:

- (1) Spouse;
- (2) Natural parent, child, or sibling;
- (3) Adopted parent, child, or sibling;
- (4) Stepparent, stepchild, stepbrother, or stepsister;
- (5) Father-in-law, mother-in-law, son-in-law,
daughter-in-law, brother-in-law, or sister-in-law;
- (6) Grandparent or grandchild;
- (7) Foster caregiver, foster child, foster brother, or foster
sister.

(BB) "Renovation" and "extensive renovation" mean:

(1) Any betterment, improvement, or restoration of an
intermediate care facility for the mentally retarded started
before July 1, 1993, that meets the definition of a renovation or
extensive renovation established in rules adopted by the director
of job and family services in effect on December 22, 1992.

(2) In the case of betterments, improvements, and
restorations of intermediate care facilities for the mentally
retarded started on or after July 1, 1993:

(a) "Renovation" means the betterment, improvement, or

restoration of an intermediate care facility for the mentally
retarded beyond its current functional capacity through a
structural change that costs at least five hundred dollars per
bed. A renovation may include betterment, improvement,
restoration, or replacement of assets that are affixed to the
building and have a useful life of at least five years. A
renovation may include costs that otherwise would be considered
maintenance and repair expenses if they are an integral part of
the structural change that makes up the renovation project.
"Renovation" does not mean construction of additional space for
beds that will be added to a facility's licensed or certified
capacity.

(b) "Extensive renovation" means a renovation that costs more
than sixty-five per cent and no more than eighty-five per cent of
the cost of constructing a new bed and that extends the useful
life of the assets for at least ten years.

For the purposes of division (BB)(2) of this section, the
cost of constructing a new bed shall be considered to be forty
thousand dollars, adjusted for the estimated rate of inflation
from January 1, 1993, to the end of the calendar year during which
the renovation is completed, using the consumer price index for
shelter costs for all urban consumers for the north central
region, as published by the United States bureau of labor
statistics.

The department of job and family services may treat a
renovation that costs more than eighty-five per cent of the cost
of constructing new beds as an extensive renovation if the
department determines that the renovation is more prudent than
construction of new beds.

(CC) "Title XIX" means Title XIX of the "Social Security
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

(DD) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 21567
21568

Sec. 5111.231. (A) As used in this section, "applicable calendar year" means the following: 21569
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(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003; 21571
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21573

(2) For the purpose of the department's subsequent determinations under division (D) of this section of each peer group's cost per case-mix unit, the calendar year the department selects. 21574
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(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for direct care costs determined ~~semi-annually~~ semiannually by multiplying the cost per case-mix unit determined under division (D) of this section for the facility's peer group by the facility's semiannual case-mix score determined under section 5111.232 of the Revised Code. 21578
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(C) For the purpose of determining nursing facilities' rate for direct care costs, the department shall establish three peer groups. 21585
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Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. 21588
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Each nursing facility located in any of the following counties shall be placed in peer group two: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 21591
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21593
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and Wood. 21597

Each nursing facility located in any of the following 21598
counties shall be placed in peer group three: Adams, Allen, 21599
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 21600
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 21601
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 21602
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 21603
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 21604
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 21605
Washington, Wayne, Williams, and Wyandot. 21606

(D)(1) At least once every ten years, the department shall 21607
determine a cost per case-mix unit for each peer group established 21608
under division (C) of this section. A cost per case-mix unit 21609
determined under this division for a peer group shall be used for 21610
subsequent years until the department redetermines it. To 21611
determine a peer group's cost per case-mix unit, the department 21612
shall do all of the following: 21613

(a) Determine the cost per case-mix unit for each nursing 21614
facility in the peer group for the applicable calendar year by 21615
dividing each facility's desk-reviewed, actual, allowable, per 21616
diem direct care costs for the applicable calendar year by the 21617
facility's annual average case-mix score determined under section 21618
5111.232 of the Revised Code for the applicable calendar year. 21619

(b) Subject to division (D)(2) of this section, identify 21620
which nursing facility in the peer group is at the twenty-fifth 21621
percentile of the cost per case-mix units determined under 21622
division (D)(1)(a) of this section. 21623

(c) Calculate the amount that is seven per cent above the 21624
cost per case-mix unit determined under division (D)(1)(a) of this 21625
section for the nursing facility identified under division 21626
(D)(1)(b) of this section. 21627

(d) Multiply the amount calculated under division (D)(1)(c) 21628
of this section by the rate of inflation for the eighteen-month 21629
period beginning on the first day of July of the applicable 21630
calendar year and ending the last day of December of the calendar 21631
year immediately following the applicable calendar year using the 21632
employment cost index for total compensation, health services 21633
component, published by the United States bureau of labor 21634
statistics. 21635

(2) In making the identification under division (D)(1)(b) of 21636
this section, the department shall exclude both of the following: 21637

(a) Nursing facilities that participated in the medicaid 21638
program under the same provider for less than twelve months in the 21639
applicable calendar year; 21640

(b) Nursing facilities whose ~~direct care costs are~~ cost per 21641
case-mix unit is more than one standard deviation from the mean 21642
~~desk reviewed, actual, allowable, per diem direct care cost~~ per 21643
case-mix unit for all nursing facilities in the nursing facility's 21644
peer group for the applicable calendar year. 21645

(3) The department shall not redetermine a peer group's cost 21646
per case-mix unit under this division based on additional 21647
information that it receives after the peer group's per case-mix 21648
unit is determined. The department shall redetermine a peer 21649
group's cost per case-mix unit only if it made an error in 21650
determining the peer group's cost per case-mix unit based on 21651
information available to the department at the time of the 21652
original determination. 21653

Sec. 5111.27. (A) The department of job and family services 21654
shall conduct a desk review of each cost report it receives under 21655
section 5111.26 of the Revised Code. Based on the desk review, the 21656
department shall make a preliminary determination of whether the 21657

reported costs are allowable costs. The department shall notify 21658
each provider of whether any of the reported costs are 21659
preliminarily determined not to be allowable, the rate calculation 21660
under sections 5111.20 to 5111.33 of the Revised Code that results 21661
from that determination, and the reasons for the determination and 21662
resulting rate. The department shall allow the provider to verify 21663
the calculation and submit additional information. 21664

(B) The department may conduct an audit, as defined by rule 21665
adopted under section 5111.02 of the Revised Code, of any cost 21666
report and shall notify the provider of its findings. 21667

Audits shall be conducted by auditors under contract with or 21668
employed by the department. The decision whether to conduct an 21669
audit and the scope of the audit, which may be a desk or field 21670
audit, shall be determined based on prior performance of the 21671
provider and may be based on a risk analysis or other evidence 21672
that gives the department reason to believe that the provider has 21673
reported costs improperly. A desk or field audit may be performed 21674
annually, but is required whenever a provider does not pass the 21675
risk analysis tolerance factors. The department shall issue the 21676
audit report no later than three years after the cost report is 21677
filed, or upon the completion of a desk or field audit on the 21678
report or a report for a subsequent cost reporting period, 21679
whichever is earlier. During the time within which the department 21680
may issue an audit report, the provider may amend the cost report 21681
upon discovery of a material error or material additional 21682
information. The department shall review the amended cost report 21683
for accuracy and notify the provider of its determination. 21684

The department may establish a contract for the auditing of 21685
facilities by outside firms. Each contract entered into by bidding 21686
shall be effective for one to two years. The department shall 21687
establish an audit manual and program which shall require that all 21688
field audits, conducted either pursuant to a contract or by 21689

department employees:	21690
(1) Comply with the applicable rules prescribed pursuant to Titles XVIII and XIX;	21691 21692
(2) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;	21693 21694
(3) Include a written summary as to whether the costs included in the report examined during the audit are allowable and are presented fairly in accordance with generally accepted accounting principles and department rules, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;	21695 21696 21697 21698 21699 21700
(4) Are conducted by accounting firms or auditors who, during the period of the auditors' professional engagement or employment and during the period covered by the cost reports, do not have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;	21701 21702 21703 21704 21705 21706 21707
(5) Are conducted by accounting firms or auditors who, as a condition of the contract or employment, shall not audit any facility that has been a client of the firm or auditor;	21708 21709 21710
(6) Are conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants;	21711 21712 21713
(7) Are completed within the time period specified by the department;	21714 21715
(8) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are	21716 21717 21718 21719

sufficient to permit the provider to calculate with reasonable
certainty those costs that are allowable and the rate to which the
provider's facility is entitled.

For the purposes of division (B)(4) of this section,
employment of a member of an auditor's family by a nursing
facility or intermediate care facility for the mentally retarded
that the auditor does not review does not constitute a direct or
indirect financial interest in the ownership, financing, or
operation of the facility.

(C) The department, pursuant to rules adopted under section
5111.02 of the Revised Code, may conduct an exception review of
assessment data submitted under section 5111.232 of the Revised
Code. The department may conduct an exception review based on the
findings of a certification survey conducted by the department of
health, a risk analysis, or prior performance of the provider.

Exception reviews shall be conducted at the facility by
appropriate health professionals under contract with or employed
by the department of job and family services. The professionals
may review resident assessment forms and supporting documentation,
conduct interviews, and observe residents to identify any patterns
or trends of inaccurate assessments and resulting inaccurate
case-mix scores.

The rules shall establish an exception review program that
requires that exception reviews do all of the following:

(1) Comply with Titles XVIII and XIX;

(2) Provide a written summary that states whether the
resident assessment forms have been completed accurately;

(3) Are conducted by health professionals who, during the
period of their professional engagement or employment with the
department, neither have nor are committed to acquire any direct

or indirect financial interest in the ownership, financing, or
operation of a nursing facility or intermediate care facility for
the mentally retarded in this state;

(4) Are conducted by health professionals who, as a condition
of their engagement or employment with the department, shall not
review any provider that has been a client of the professional.

For the purposes of division (C)(3) of this section,
employment of a member of a health professional's family by a
nursing facility or intermediate care facility for the mentally
retarded that the professional does not review does not constitute
a direct or indirect financial interest in the ownership,
financing, or operation of the facility.

If an exception review is conducted before the effective date
of the rate that is based on the case-mix data subject to the
review and the review results in findings that exceed tolerance
levels specified in the rules adopted under this division, the
department, in accordance with those rules, may use the findings
to recalculate individual resident case-mix scores, quarterly
average facility case-mix scores, and annual average facility
case-mix scores. The department may use the recalculated quarterly
and annual facility average case-mix scores to calculate the
facility's rate for direct care costs for the appropriate calendar
quarter or quarters.

(D) The department shall prepare a written summary of any
audit disallowance or exception review finding that is made after
the effective date of the rate that is based on the cost or
case-mix data. Where the provider is pursuing judicial or
administrative remedies in good faith regarding the disallowance
or finding, the department shall not withhold from the provider's
current payments any amounts the department claims to be due from
the provider pursuant to section 5111.28 of the Revised Code.

(E) The department shall not reduce rates calculated under 21781
sections 5111.20 to 5111.33 of the Revised Code on the basis that 21782
the provider charges a lower rate to any resident who is not 21783
eligible for the medicaid program. 21784

(F) The department shall adjust the rates calculated under 21785
sections 5111.20 to 5111.33 of the Revised Code to account for 21786
reasonable additional costs that must be incurred by ~~nursing~~ 21787
~~facilities~~ and intermediate care facilities for the mentally 21788
retarded to comply with requirements of federal or state statutes, 21789
rules, or policies enacted or amended after January 1, 1992, or 21790
with orders issued by state or local fire authorities. 21791

Sec. 5111.31. (A) Every provider agreement with the provider 21792
of a nursing facility or intermediate care facility for the 21793
mentally retarded shall: 21794

(1) Prohibit the provider from failing or refusing to retain 21795
as a patient any person because the person is, becomes, or may, as 21796
a patient in the facility, become a medicaid recipient. For the 21797
purposes of this division, a medicaid recipient who is a patient 21798
in a facility shall be considered a patient in the facility during 21799
any hospital stays totaling less than twenty-five days during any 21800
twelve-month period. Recipients who have been identified by the 21801
department of job and family services or its designee as requiring 21802
the level of care of an intermediate care facility for the 21803
mentally retarded shall not be subject to a maximum period of 21804
absences during which they are considered patients if prior 21805
authorization of the department for visits with relatives and 21806
friends and participation in therapeutic programs is obtained 21807
under rules adopted under section 5111.02 of the Revised Code. 21808

(2) Except as provided by division (B)(1) of this section, 21809
include any part of the facility that meets standards for 21810
certification of compliance with federal and state laws and rules 21811

for participation in the medicaid program. 21812

(3) Prohibit the provider from discriminating against any 21813
patient on the basis of race, color, sex, creed, or national 21814
origin. 21815

(4) Except as otherwise prohibited under section 5111.55 of 21816
the Revised Code, prohibit the provider from failing or refusing 21817
to accept a patient because the patient is, becomes, or may, as a 21818
patient in the facility, become a medicaid recipient if less than 21819
eighty per cent of the patients in the facility are medicaid 21820
recipients. 21821

(B)(1) Except as provided by division (B)(2) of this section, 21822
the following are not required to be included in a provider 21823
agreement unless otherwise required by federal law: 21824

(a) Beds added during the period beginning July 1, 1987, and 21825
ending July 1, 1993, to a nursing home licensed under Chapter 21826
3721. of the Revised Code; 21827

(b) Beds in an intermediate care facility for the mentally 21828
retarded that are designated for respite care under a medicaid 21829
waiver component operated pursuant to a waiver sought under 21830
section 5111.87 of the Revised Code; 21831

(c) Beds that are converted to providing home and 21832
community-based services under the ICF/MR conversion pilot program 21833
authorized by a waiver sought under division (B)(1) of section 21834
5111.88 of the Revised Code. 21835

(2) If a provider chooses to include a bed specified in 21836
division (B)(1)(a) of this section in a provider agreement, the 21837
bed may not be removed from the provider agreement unless the 21838
provider withdraws the facility in which the bed is located from 21839
the medicaid program. 21840

(C) Nothing in this section shall bar a provider that is a 21841

religious organization operating a religious or denominational 21842
nursing facility or intermediate care facility for the mentally 21843
retarded from giving preference to persons of the same religion or 21844
denomination. Nothing in this section shall bar any provider from 21845
giving preference to persons with whom the provider has contracted 21846
to provide continuing care. 21847

(D) Nothing in this section shall bar the provider of a 21848
county home organized under Chapter 5155. of the Revised Code from 21849
admitting residents exclusively from the county in which the 21850
county home is located. 21851

(E) No provider of a nursing facility or intermediate care 21852
facility for the mentally retarded for which a provider agreement 21853
is in effect shall violate the provider contract obligations 21854
imposed under this section. 21855

(F) Nothing in divisions (A) and (C) of this section shall 21856
bar a provider from retaining patients who have resided in the 21857
provider's facility for not less than one year as private pay 21858
patients and who subsequently become medicaid recipients, but 21859
refusing to accept as a patient any person who is or may, as a 21860
patient in the facility, become a medicaid recipient, if all of 21861
the following apply: 21862

(1) The provider does not refuse to retain any patient who 21863
has resided in the provider's facility for not less than one year 21864
as a private pay patient because the patient becomes a medicaid 21865
recipient, except as necessary to comply with division (F)(2) of 21866
this section; 21867

(2) The number of medicaid recipients retained under this 21868
division does not at any time exceed ten per cent of all the 21869
patients in the facility; 21870

(3) On July 1, 1980, all the patients in the facility were 21871
private pay patients. 21872

Sec. 5111.88. (A) As used in sections 5111.88 to ~~5111.8812~~ 21873
5111.8817 of the Revised Code: 21874

"Administrative agency" means the department of job and 21875
family services or, if the department assigns the day-to-day 21876
administration of the ICF/MR conversion pilot program to the 21877
department of mental retardation and developmental disabilities 21878
pursuant to section 5111.887 of the Revised Code, the department 21879
of mental retardation and developmental disabilities. 21880

"ICF/MR conversion pilot program" means the medicaid waiver 21881
component authorized by a waiver sought under division (B)(1) of 21882
this section. 21883

"ICF/MR services" means intermediate care facility for the 21884
mentally retarded services covered by the medicaid program that an 21885
intermediate care facility for the mentally retarded provides to a 21886
resident of the facility who is a medicaid recipient eligible for 21887
medicaid-covered intermediate care facility for the mentally 21888
retarded services. 21889

"Intermediate care facility for the mentally retarded" has 21890
the same meaning as in section 5111.20 of the Revised Code. 21891

"Medicaid waiver component" has the same meaning as in 21892
section 5111.85 of the Revised Code. 21893

(B) By July 1, 2006, or as soon thereafter as practical, but 21894
not later than January 1, 2007, the director of job and family 21895
services shall, after consulting with and receiving input from the 21896
ICF/MR conversion advisory council, submit both of the following 21897
to the United States secretary of health and human services: 21898

(1) An application for a waiver authorizing the ICF/MR 21899
conversion pilot program under which intermediate care facilities 21900
for the mentally retarded, other than such facilities operated by 21901
the department of mental retardation and developmental 21902

disabilities, may volunteer to convert in whole or in part from 21903
providing intermediate care facility for the mentally retarded 21904
services to providing home and community-based services and 21905
individuals with mental retardation or a developmental disability 21906
who are eligible for ICF/MR services may volunteer to receive 21907
instead home and community-based services; 21908

(2) An amendment to the state medicaid plan to authorize the 21909
director, beginning on the first day that the ICF/MR conversion 21910
pilot program begins implementation under section 5111.882 of the 21911
Revised Code and except as provided by section 5111.8811 of the 21912
Revised Code, to refuse to enter into or amend a medicaid provider 21913
agreement with the operator of an intermediate care facility for 21914
the mentally retarded if the provider agreement or amendment would 21915
authorize the operator to receive medicaid payments for more 21916
intermediate care facility for the mentally retarded beds than the 21917
operator receives on the day before that day. 21918

(C) The director shall notify the governor, speaker and 21919
minority leader of the house of representatives, and president and 21920
minority leader of the senate when the director submits the 21921
application for the ICF/MR conversion pilot program under division 21922
(B)(1) of this section and the amendment to the state medicaid 21923
plan under division (B)(2) of this section. The director is not 21924
required to submit the application and the amendment at the same 21925
time. 21926

Sec. 5111.882. If the United States secretary of health and 21927
human services approves the waiver requested under division (B)(1) 21928
of section 5111.88 of the Revised Code, the administrative agency 21929
shall implement the ICF/MR conversion pilot program for not less 21930
than three years as follows: 21931

(A) Permit no more than two hundred individuals to 21932
participate in the program at one time; 21933

(B) Select, from among volunteers only, enough intermediate care facilities for the mentally retarded to convert in whole or in part from providing ICF/MR services to providing home and community-based services as necessary to accommodate each individual participating in the program ~~and ensure that the facilities selected for conversion cease, except as provided by section 5111.8811 of the Revised Code, to provide any ICF/MR services once the conversion takes place;~~

(C) Subject to division (A) of this section, permit individuals who reside in an intermediate care facility for the mentally retarded that converts in whole or in part to providing home and community-based services to choose whether to participate in the program or, if the facility ceases to have enough ICF/MR-certified beds for the individual, to transfer to another intermediate care facility for the mentally retarded that ~~is not converting~~ has an available ICF/MR-certified bed for the individual;

(D) Ensure that no individual receiving ICF/MR services ~~on the effective date of this section~~ suffers an interruption in medicaid-covered services that the individual is eligible to receive;

(E) Collect information as necessary for the evaluation required by section 5111.889 of the Revised Code;

(F) After consulting with the ICF/MR conversion advisory council, make adjustments to the program that the administrative agency and, if the administrative agency is not the department of job and family services, the department agree are both necessary for the program to be implemented more effectively and consistent with the terms of the waiver authorizing the program. No adjustment may be made that expands the size or scope of the program.

Sec. 5111.889. (A) The administrative agency, in consultation with the ICF/MR conversion advisory council, shall conduct an evaluation of the ICF/MR conversion pilot program. All of the following shall be examined as part of the evaluation:

(1) The effectiveness of the home and community-based services provided under the program in meeting the health and welfare needs of the individuals participating in the program as identified in the individuals' written individual service plans;

(2) The satisfaction of the individuals participating in the program with the home and community-based services;

(3) The impact that the conversion in whole or in part from providing ICF/MR services to providing home and community-based services has on the intermediate care facilities for the mentally retarded that so convert;

(4) The program's cost effectiveness, including administrative cost effectiveness;

(5) Feedback about the program from the individuals participating in the program, such individuals' families and guardians, county boards of mental retardation and developmental disabilities, and providers of home and community-based services under the program;

(6) Other matters the administrative agency considers appropriate for evaluation.

(B) The administrative agency, in consultation with the ICF/MR conversion advisory council, shall prepare two reports of the evaluation conducted under this section. The initial report shall be finished not sooner than the last day of the ICF/MR conversion pilot program's first year of operation. The final report shall be finished not sooner than the last day of the program's second year of operation. The administrative agency

shall provide a copy of each report to the governor, president and 21995
minority leader of the senate, and speaker and minority leader of 21996
the house of representatives. 21997

Sec. 5111.8811. An intermediate care facility for the 21998
mentally retarded that converts in whole or in part from providing 21999
ICF/MR services to providing home and community-based services 22000
under the ICF/MR conversion pilot program may reconvert the 22001
converted beds to providing ICF/MR services after the program 22002
terminates unless ~~either~~ any of the following is the case: 22003

(A) The program, following the general assembly's enactment 22004
of law authorizing the program's statewide implementation, is 22005
implemented statewide; 22006

(B) The facility no longer meets the requirements for 22007
certification as an intermediate care facility for the mentally 22008
retarded; 22009

(C) The facility no longer meets the requirements for 22010
licensure as a residential facility under section 5123.19 of the 22011
Revised Code or, if the facility is eligible under section 22012
5123.192 of the Revised Code to be licensed as a nursing home, the 22013
requirements for licensure as a nursing home under section 3721.02 22014
or 3721.09 of the Revised Code. 22015

Sec. 5111.8812. (A) Subject to division (B) of this section 22016
and beginning not later than two and one-half years after the date 22017
the ICF/MR conversion pilot program terminates, the department of 22018
mental retardation and developmental disabilities shall be 22019
responsible for a portion of the nonfederal share of medicaid 22020
expenditures for ICF/MR services ~~provided by~~ incurred for any beds 22021
of an intermediate care facility for the mentally retarded that 22022
~~reconverts~~ are reconverted to providing ICF/MR services under 22023
section 5111.8811 of the Revised Code. The portion for which the 22024

department shall be responsible shall be the portion that the 22025
department and department of job and family services specify in an 22026
agreement. 22027

(B) The department of mental retardation and developmental 22028
disabilities shall not be responsible for any portion of the 22029
nonfederal share of medicaid expenditures for ICF/MR services 22030
incurred for any beds of an intermediate care facility for the 22031
mentally retarded that are in excess of the number of beds the 22032
facility had while participating in the ICF/MR conversion pilot 22033
program. 22034

Sec. 5111.8813. The operator of an intermediate care facility 22035
for the mentally retarded that converts only in part from 22036
providing ICF/MR services to providing home and community-based 22037
services under the ICF/MR conversion pilot program shall place the 22038
beds that convert in a distinct part of the facility that houses 22039
the intermediate care facility for the mentally retarded. 22040

Sec. 5111.8814. An intermediate care facility for the 22041
mentally retarded that converts in whole to providing home and 22042
community-based services under the ICF/MR conversion pilot program 22043
shall either be licensed as a residential facility under section 22044
5123.19 of the Revised Code or certified to provide supported 22045
living under section 5126.431 of the Revised Code. If an 22046
intermediate care facility for the mentally retarded converts in 22047
part to providing such home and community-based services, the 22048
distinct part of the facility that provides the home and 22049
community-based services shall either be licensed as a residential 22050
facility under section 5123.19 of the Revised Code or certified to 22051
provide supported living under section 5126.431 of the Revised 22052
Code. The facility or distinct part of the facility shall be 22053
licensed as a residential facility rather than certified to 22054
provide supported living if it meets the definition of 22055

"residential facility" in section 5123.19 of the Revised Code. 22056

Sec. 5111.8815. (A) Not later than thirty days after the date 22057
a resident of an intermediate care facility for the mentally 22058
retarded is enrolled in the ICF/MR conversion pilot program, the 22059
operator of the intermediate care facility for the mentally 22060
retarded shall do the following regardless of whether the resident 22061
resides in a distinct part of a facility that also houses the 22062
intermediate care facility for the mentally retarded: 22063

(1) If the intermediate care facility for the mentally 22064
retarded is licensed as a residential facility under section 22065
5123.19 of the Revised Code, notify the director of mental 22066
retardation and developmental disabilities of the resident's 22067
enrollment; 22068

(2) If the intermediate care facility for the mentally 22069
retarded is licensed as a nursing home under section 3721.02 of 22070
the Revised Code, notify the director of health of the resident's 22071
enrollment; 22072

(3) If the intermediate care facility for the mentally 22073
retarded is licensed as a nursing home by a political subdivision 22074
under section 3721.09 of the Revised Code, notify the officials of 22075
the political subdivision of the resident's enrollment. 22076

(B) The director of mental retardation and developmental 22077
disabilities, director of health, and officials of a political 22078
subdivision shall reduce the licensed capacity of a residential 22079
facility or nursing home by the number of the residential 22080
facility's or nursing home's residents who enroll in the ICF/MR 22081
conversion pilot program. The director of job and family services 22082
shall be notified of each reduction in licensed capacity made 22083
under this section. 22084

Sec. 5111.8816. Not later than thirty days after the date an intermediate care facility for the mentally retarded converts in whole or in part to providing home and community-based services under the ICF/MR conversion pilot program, the operator of the facility shall notify the director of job and family services of the number of beds that converted. The director of job and family services shall notify the director of health of the operator's notice. The director of health shall reduce the facility's certified capacity by the number of beds that convert. The director of health shall notify the director of job and family services whenever the director of health takes action under this section.

Sec. 5111.8817. On receipt of notice from the director of health under section 5111.8816 of the Revised Code that the director has reduced the certified capacity of an intermediate care facility for the mentally retarded, the director of job and family services shall amend the facility's medicaid provider agreement to reflect the facility's reduced certified capacity or, if the facility's certified capacity is reduced to zero, terminate the facility's medicaid provider agreement.

Sec. 5111.941. The medicaid revenue and collections fund is hereby created in the state treasury. Except as otherwise provided by statute or as authorized by the controlling board, the non-federal share of all medicaid-related revenues, collections, and recoveries shall be credited to the fund. The department of job and family services shall use money credited to the fund to pay for medicaid services and contracts.

~~Sec. 5111.081~~ 5111.942. (A) The prescription drug rebates fund is hereby created in the state treasury. ~~All~~ Both of the

following shall be credited to the fund: 22114

(1) The non-federal share of all rebates paid by drug 22115
manufacturers to the department of job and family services in 22116
accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 22117
~~shall be credited to the fund. The;~~ 22118

(2) The non-federal share of all supplemental rebates paid by 22119
drug manufacturers to the department of job and family services in 22120
accordance with the supplemental drug rebate program established 22121
under section 5111.081 of the Revised Code. 22122

(B) The department of job and family services shall use money 22123
credited to the prescription drug rebates fund to pay for medicaid 22124
services and contracts. 22125

Sec. 5111.943. (A) The health care - federal fund is hereby 22126
created in the state treasury. All of the following shall be 22127
credited to the fund: 22128

(1) Funds that division (B) of section 5112.18 of the Revised 22129
Code requires be credited to the fund; 22130

(2) The federal share of all rebates paid by drug 22131
manufacturers to the department of job and family services in 22132
accordance with a rebate agreement required by 42 U.S.C. 1396r-8; 22133

(3) The federal share of all supplemental rebates paid by 22134
drug manufacturers to the department of job and family services in 22135
accordance with the supplemental drug rebate program established 22136
under section 5111.081 of the Revised Code; 22137

(4) Except as otherwise provided by statute or as authorized 22138
by the controlling board, the federal share of all other 22139
medicaid-related revenues, collections, and recoveries. 22140

(B) All money credited to the health care - federal fund 22141
pursuant to division (B) of section 5112.18 of the Revised Code 22142

shall be used solely for distributing funds to hospitals under 22143
section 5112.08 of the Revised Code. The department of job and 22144
family services shall use all other money credited to the fund to 22145
pay for other medicaid services and contracts. 22146

Sec. 5112.08. The director of job and family services shall 22147
adopt rules under section 5112.03 of the Revised Code establishing 22148
a methodology to pay hospitals that is sufficient to expend all 22149
money in the indigent care pool. Under the rules: 22150

(A) The department of job and family services may classify 22151
similar hospitals into groups and allocate funds for distribution 22152
within each group. 22153

(B) The department shall establish a method of allocating 22154
funds to hospitals, taking into consideration the relative amount 22155
of indigent care provided by each hospital or group of hospitals. 22156
The amount to be allocated shall be based on any combination of 22157
the following indicators of indigent care that the director 22158
considers appropriate: 22159

(1) Total costs, volume, or proportion of services to 22160
recipients of the medical assistance program, including recipients 22161
enrolled in health insuring corporations; 22162

(2) Total costs, volume, or proportion of services to 22163
low-income patients in addition to recipients of the medical 22164
assistance program, which may include recipients of Title V of the 22165
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 22166
amended, and recipients of financial or medical assistance 22167
provided under Chapter 5115. of the Revised Code; 22168

(3) The amount of uncompensated care provided by the hospital 22169
or group of hospitals; 22170

(4) Other factors that the director considers to be 22171
appropriate indicators of indigent care. 22172

(C) The department shall distribute funds to each hospital or group of hospitals in a manner that first may provide for an additional distribution to individual hospitals that provide a high proportion of indigent care in relation to the total care provided by the hospital or in relation to other hospitals. The department shall establish a formula to distribute the remainder of the funds. The formula shall be consistent with section 1923 of the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall be based on any combination of the indicators of indigent care listed in division (B) of this section that the director considers appropriate.

(D) The department shall distribute funds to each hospital in installments not later than ten working days after the deadline established in rules for each hospital to pay an installment on its assessment under section 5112.06 of the Revised Code. In the case of a governmental hospital that makes intergovernmental transfers, the department shall pay an installment under this section not later than ten working days after the earlier of that deadline or the deadline established in rules for the governmental hospital to pay an installment on its intergovernmental transfer. If the amount in the hospital care assurance program fund created under section 5112.18 of the Revised Code and the ~~hospital care assurance match~~ portion of the health care - federal fund created under section 5111.943 of the Revised Code that is credited to that fund pursuant to division (B) of section 5112.18 of the Revised Code ~~is~~ are insufficient to make the total distributions for which hospitals are eligible to receive in any period, the department shall reduce the amount of each distribution by the percentage by which the amount ~~is~~ and portion are insufficient. The department shall distribute to hospitals any amounts not distributed in the period in which they are due as soon as moneys are available in the funds.

Sec. 5112.18. (A) Except as provided in section 5112.19 of 22205
the Revised Code, all payments of assessments by hospitals under 22206
section 5112.06 of the Revised Code and all intergovernmental 22207
transfers under section 5112.07 of the Revised Code shall be 22208
deposited in the state treasury to the credit of the hospital care 22209
assurance program fund, hereby created. All investment earnings of 22210
the hospital care assurance program fund shall be credited to the 22211
fund. The department of job and family services shall maintain 22212
records that show the amount of money in the hospital care 22213
assurance program fund at any time that has been paid by each 22214
hospital and the amount of any investment earnings on that amount. 22215
All moneys credited to the hospital care assurance program fund 22216
shall be used solely to make payments to hospitals under division 22217
(D) of this section and section 5112.08 of the Revised Code. 22218

(B) All federal matching funds received as a result of the 22219
department distributing funds from the hospital care assurance 22220
program fund to hospitals under section 5112.08 of the Revised 22221
Code shall be credited to the ~~hospital care assurance match~~ health 22222
care - federal fund, ~~which is hereby created in the state treasury~~ 22223
under section 5111.943 of the Revised Code. All money credited to 22224
~~the hospital care assurance match fund shall be used solely for~~ 22225
~~distributing funds to hospitals under section 5112.08 of the~~ 22226
~~Revised Code.~~ 22227

(C) All distributions of funds to hospitals under section 22228
5112.08 of the Revised Code are conditional on: 22229

(1) Expiration of the time for appeals under section 5112.09 22230
of the Revised Code without the filing of an appeal, or on court 22231
determinations, in the event of appeals, that the hospital is 22232
entitled to the funds; 22233

(2) ~~The availability of sufficient moneys in the hospital~~ 22234
~~care assurance program fund and the hospital care assurance match~~ 22235

~~fund~~ sum of the following being sufficient to distribute the funds 22236
after the final determination of any appeals+; 22237

(a) The available money in the hospital care assurance 22238
program fund; 22239

(b) The available portion of the money in the health care - 22240
federal fund that is credited to that fund pursuant to division 22241
(B) of this section. 22242

(3) The hospital's compliance with section 5112.17 of the 22243
Revised Code. 22244

(D) If an audit conducted by the department of the amounts of 22245
payments made and funds received by hospitals under sections 22246
5112.06, 5112.07, and 5112.08 of the Revised Code identifies 22247
amounts that, due to errors by the department, a hospital should 22248
not have been required to pay but did pay, should have been 22249
required to pay but did not pay, should not have received but did 22250
receive, or should have received but did not receive, the 22251
department shall: 22252

(1) Make payments to any hospital that the audit reveals paid 22253
amounts it should not have been required to pay or did not receive 22254
amounts it should have received; 22255

(2) Take action to recover from a hospital any amounts that 22256
the audit reveals it should have been required to pay but did not 22257
pay or that it should not have received but did receive. 22258

Payments made under division (D)(1) of this section shall be 22259
made from the hospital care assurance program fund. Amounts 22260
recovered under division (D)(2) of this section shall be deposited 22261
to the credit of that fund. Any hospital may appeal the amount the 22262
hospital is to be paid under division (D)(1) or the amount that is 22263
to be recovered from the hospital under division (D)(2) of this 22264
section to the court of common pleas of Franklin county. 22265

Sec. 5112.31. The department of job and family services shall 22266
do all of the following: 22267

(A) For the purpose of providing home and community-based 22268
services for mentally retarded and developmentally disabled 22269
persons, annually assess each intermediate care facility for the 22270
mentally retarded a franchise permit fee equal to nine dollars and 22271
sixty-three cents multiplied, except as adjusted under section 22272
5112.311 of the Revised Code, by the product of the following: 22273

(1) The number of beds certified under Title XIX of the 22274
"Social Security Act" on the first day of May of the calendar year 22275
in which the assessment is determined pursuant to division (A) of 22276
section 5112.33 of the Revised Code; 22277

(2) The number of days in the fiscal year beginning on the 22278
first day of July of the same calendar year. 22279

(B) Beginning July 1, 2007, and the first day of each July 22280
thereafter, adjust fees determined under division (A) of this 22281
section in accordance with the composite inflation factor 22282
established in rules adopted under section 5112.39 of the Revised 22283
Code. 22284

(C) If the United States secretary of health and human 22285
services determines that the franchise permit fee established by 22286
sections 5112.30 to 5112.39 of the Revised Code would be an 22287
impermissible health care-related tax under section 1903(w) of the 22288
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 22289
necessary actions to cease implementation of those sections in 22290
accordance with rules adopted under section 5112.39 of the Revised 22291
Code. 22292

Sec. 5112.311. If, under section 5111.8816 of the Revised 22293
Code, the certified capacity of an intermediate care facility for 22294
the mentally retarded is reduced, the department of job and family 22295

services shall adjust the franchise permit fee the facility was 22296
assessed under section 5112.31 of the Revised Code accordingly. 22297
If, under section 5111.8811 of the Revised Code, the certified 22298
capacity of an intermediate care facility for the mentally 22299
retarded is increased, the department may adjust the franchise 22300
permit fee the facility was assessed under section 5112.31 of the 22301
Revised Code accordingly. 22302

Sec. 5115.04. (A) The department of job and family services 22303
shall supervise and administer the disability financial assistance 22304
program, except that the department may require county departments 22305
of job and family services to perform any administrative function 22306
specified in rules adopted by the director of job and family 22307
services. 22308

(B) If the department requires county departments to perform 22309
administrative functions under this section, the director shall 22310
adopt rules in accordance with section 111.15 of the Revised Code 22311
governing the performance of the functions to be performed by 22312
county departments. County departments shall perform the functions 22313
in accordance with the rules. The director shall conduct 22314
investigations to determine whether disability financial 22315
assistance is being administered in compliance with the Revised 22316
Code and rules adopted by the director. 22317

(C) If disability financial assistance payments are made by 22318
the county department of job and family services, the department 22319
shall advance sufficient funds to provide the county treasurer 22320
with the amount estimated for the payments. Financial assistance 22321
payments shall be distributed in accordance with sections ~~117.45~~ 22322
126.35, 319.16, and 329.03 of the Revised Code. 22323

Sec. 5123.196. (A) Except as provided in ~~divisions~~ division 22324
(F) of this section, the director of mental retardation and 22325

developmental disabilities shall not issue a license under section 22326
5123.19 of the Revised Code on or after July 1, 2003, if issuance 22327
will result in there being more beds in all residential facilities 22328
licensed under that section than is permitted under division (B) 22329
of this section. 22330

(B) The Except as provided in division (D) of this section, 22331
the maximum number of beds for the purpose of division (A) of this 22332
section shall not exceed ten thousand eight hundred thirty-eight 22333
minus, except as provided in division (C) of this section, both of 22334
the following: 22335

(1) The number of such beds that cease to be residential 22336
facility beds on or after July 1, 2003, because a residential 22337
facility license is revoked, terminated, or not renewed for any 22338
reason or is surrendered in accordance with section 5123.19 of the 22339
Revised Code and after the issuance of an adjudication order 22340
pursuant to Chapter 119. of the Revised Code; 22341

(2) The number of such beds for which a licensee voluntarily 22342
converts to use for supported living on or after July 1, 2003. 22343

(C) The director is not required to reduce the maximum number 22344
of beds pursuant to division (B) of this section by a bed that 22345
ceases to be a residential facility bed if the director determines 22346
that the bed is needed to provide services to an individual with 22347
mental retardation or a developmental disability who resided in 22348
the residential facility in which the bed was located unless the 22349
reason the bed ceases to be a residential facility bed is because 22350
it is converted to providing home and community-based services 22351
under the ICF/MR conversion pilot program that is authorized by a 22352
waiver sought under division (B)(1) of section 5111.88 of the 22353
Revised Code. 22354

(D) The director shall increase the number of beds determined 22355
under division (B) of this section if necessary to enable the 22356

<u>operator of a residential facility to do either of the following:</u>	22357
<u>(1) Obtain a residential facility license as required by</u>	22358
<u>section 5111.8814 of the Revised Code;</u>	22359
<u>(2) Reconvert beds to providing ICF/MR services under section</u>	22360
<u>5111.8811 of the Revised Code.</u>	22361
<u>(E)</u> The director shall maintain an up-to-date written record	22362
of the maximum number of residential facility beds provided for by	22363
division (B) of this section.	22364
(F) The director may issue an interim license under division	22365
(R) of section 5123.19 of the Revised Code and issue, pursuant to	22366
rules adopted under division (G)(11) of that section, a waiver	22367
allowing a residential facility to admit more residents than the	22368
facility is licensed to admit regardless of whether the interim	22369
license or waiver will result in there being more beds in all	22370
residential facilities licensed under that section than is	22371
permitted under division (B) of this section.	22372
Sec. 5139.50. (A) The release authority of the department of	22373
youth services is hereby created as a bureau in the department.	22374
The release authority shall consist of five members who are	22375
appointed by the director of youth services and who have the	22376
qualifications specified in division (B) of this section. The	22377
members of the release authority shall devote their full time to	22378
the duties of the release authority and shall neither seek nor	22379
hold other public office. The members shall be in the unclassified	22380
civil service.	22381
(B) A person appointed as a member of the release authority	22382
shall have a bachelor's degree from an accredited college or	22383
university or equivalent relevant experience and shall have the	22384
skills, training, or experience necessary to analyze issues of	22385
law, administration, and public policy. The membership of the	22386

release authority shall represent, insofar as practicable, the 22387
diversity found in the children in the legal custody of the 22388
department of youth services. 22389

In appointing the five members, the director shall ensure 22390
that the appointments include all of the following: 22391

(1) At least four members who have five or more years of 22392
experience in criminal justice, juvenile justice, or an equivalent 22393
relevant profession; 22394

(2) At least one member who has experience in victim services 22395
or advocacy or who has been a victim of a crime or is a family 22396
member of a victim; 22397

(3) At least one member who has experience in direct care 22398
services to delinquent children; 22399

~~(4) At least one member who holds a juris doctor degree from 22400
an accredited college or university. 22401~~

(C) The initial appointments of members of the release 22402
authority shall be for a term of six years for the chairperson and 22403
one member, a term of four years for two members, and a term of 22404
two years for one member. Thereafter, members shall be appointed 22405
for six-year terms. At the conclusion of a term, a member shall 22406
hold office until the appointment and qualification of the 22407
member's successor. The director shall fill a vacancy occurring 22408
before the expiration of a term for the remainder of that term 22409
and, if a member is on extended leave or disability status for 22410
more than thirty work days, may appoint an interim member to 22411
fulfill the duties of that member. A member may be reappointed, 22412
but a member may serve no more than two consecutive terms 22413
regardless of the length of the member's initial term. A member 22414
may be removed for good cause by the director. 22415

(D) The director of youth services shall designate as 22416

chairperson of the release authority one of the members who has 22417
experience in criminal justice, juvenile justice, or an equivalent 22418
relevant profession. The chairperson shall be a managing officer 22419
of the department, shall supervise the members of the board and 22420
the other staff in the bureau, and shall perform all duties and 22421
functions necessary to ensure that the release authority 22422
discharges its responsibilities. The chairperson shall serve as 22423
the official spokesperson for the release authority. 22424

(E) The release authority shall do all of the following: 22425

(1) Serve as the final and sole authority for making 22426
decisions, in the interests of public safety and the children 22427
involved, regarding the release and discharge of all children 22428
committed to the legal custody of the department of youth 22429
services, except children placed by a juvenile court on judicial 22430
release to court supervision or on judicial release to department 22431
of youth services supervision, children who have not completed a 22432
prescribed minimum period of time or prescribed period of time in 22433
a secure facility, or children who are required to remain in a 22434
secure facility until they attain twenty-one years of age; 22435

(2) Establish written policies and procedures for conducting 22436
reviews of the status for all youth in the custody of the 22437
department, setting or modifying dates of release and discharge, 22438
specifying the duration, terms, and conditions of release to be 22439
carried out in supervised release subject to the addition of 22440
additional consistent terms and conditions by a court in 22441
accordance with section 5139.51 of the Revised Code, and giving a 22442
child notice of all reviews; 22443

(3) Maintain records of its official actions, decisions, 22444
orders, and hearing summaries and make the records accessible in 22445
accordance with division (D) of section 5139.05 of the Revised 22446
Code; 22447

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;	22448 22449 22450
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	22451 22452
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	22453 22454 22455 22456 22457
(F) The release authority may do any of the following:	22458
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	22459 22460 22461
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	22462 22463 22464 22465
(3) Administer oaths and receive testimony of persons under oath;	22466 22467
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	22468 22469 22470 22471
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.	22472 22473 22474 22475 22476 22477

(G) The release authority may delegate responsibilities to 22478
hearing officers or other designated staff under the release 22479
authority's auspices. However, the release authority shall not 22480
delegate its authority to make final decisions regarding policy or 22481
the release of a child. 22482

The release authority shall adopt a written policy and 22483
procedures governing appeals of its release and discharge 22484
decisions. 22485

(H) The legal staff of the department of youth services shall 22486
provide assistance to the release authority in the formulation of 22487
policy and in its handling of individual cases. 22488

Sec. 5502.261. A board of county commissioners that has 22489
entered into an agreement to establish a countywide emergency 22490
management agency may appropriate money from its general fund to 22491
support the functions and operations of the agency, including the 22492
development, acquisition, operation, and maintenance of a 22493
countywide public safety communication system and any 22494
communication devices, radios, and other equipment necessary for 22495
the system's operation and use. Money appropriated under this 22496
section may be expended to purchase and maintain the assets or 22497
equipment of the agency, including equipment used by the personnel 22498
of other political subdivisions that have entered into the 22499
agreement with the board establishing the agency. 22500

Sec. 5505.27. All amounts due the state highway patrol 22501
retirement system from the state treasury pursuant to this chapter 22502
shall be promptly paid upon warrant of the ~~auditor of state~~ 22503
director of budget and management pursuant to a voucher approved 22504
by the director ~~of budget and management~~. 22505

Sec. 5531.10. (A) As used in this chapter: 22506

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the state infrastructure bank revenue bond service fund created by division (R) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts

in the state infrastructure bank pledged to the payment of such 22538
charges. If the amounts in the state infrastructure bank are 22539
insufficient for the payment of such charges, "pledged receipts" 22540
also means moneys that are apportioned by the United States 22541
secretary of transportation under United States Code, Title XXIII, 22542
as amended, or any successor legislation, or under any other 22543
federal law relating to aid for highways, and that are to be 22544
received as a grant by the state, to the extent the state is not 22545
prohibited by state or federal law from using such moneys and the 22546
moneys are pledged to the payment of such bond service charges. 22547

(7) "Special funds" or "funds" means, except where the 22548
context does not permit, the bond service fund, and any other 22549
funds, including reserve funds, created under the bond 22550
proceedings, and the state infrastructure bank revenue bond 22551
service fund created by division (R) of this section to the extent 22552
provided in the bond proceedings, including all moneys and 22553
investments, and earnings from investment, credited and to be 22554
credited thereto. 22555

(8) "State infrastructure project" means any public 22556
transportation project undertaken by the state, including, but not 22557
limited to, all components of any such project, as described in 22558
division (D) of section 5531.09 of the Revised Code. 22559

(9) "District obligations" means bonds, notes, or other 22560
evidence of obligation including interest coupons pertaining 22561
thereto, issued to finance a qualified project by a transportation 22562
improvement district created pursuant to section 5540.02 of the 22563
Revised Code, of which the principal, including mandatory sinking 22564
fund requirements for retirement of such obligations, and interest 22565
and redemption premium, if any, are payable by the department of 22566
transportation. 22567

(B) The issuing authority, after giving written notice to the 22568

director of budget and management and upon the certification by 22569
the director of transportation to the issuing authority of the 22570
amount of moneys or additional moneys needed either for state 22571
infrastructure projects or to provide financial assistance for any 22572
of the purposes for which the state infrastructure bank may be 22573
used under section 5531.09 of the Revised Code, or needed for 22574
capitalized interest, funding reserves, and paying costs and 22575
expenses incurred in connection with the issuance, carrying, 22576
securing, paying, redeeming, or retirement of the obligations or 22577
any obligations refunded thereby, including payment of costs and 22578
expenses relating to letters of credit, lines of credit, 22579
insurance, put agreements, standby purchase agreements, indexing, 22580
marketing, remarketing and administrative arrangements, interest 22581
swap or hedging agreements, and any other credit enhancement, 22582
liquidity, remarketing, renewal, or refunding arrangements, all of 22583
which are authorized by this section, shall issue obligations of 22584
the state under this section in the required amount. The proceeds 22585
of such obligations, except for the portion to be deposited in 22586
special funds, including reserve funds, as may be provided in the 22587
bond proceedings, shall as provided in the bond proceedings be 22588
credited to the infrastructure bank obligations fund of the state 22589
infrastructure bank created by section 5531.09 of the Revised Code 22590
and disbursed as provided in the bond proceedings for such 22591
obligations. The issuing authority may appoint trustees, paying 22592
agents, transfer agents, and authenticating agents, and may retain 22593
the services of financial advisors, accounting experts, and 22594
attorneys, and retain or contract for the services of marketing, 22595
remarketing, indexing, and administrative agents, other 22596
consultants, and independent contractors, including printing 22597
services, as are necessary in the issuing authority's judgment to 22598
carry out this section. The costs of such services are payable 22599
from funds of the state infrastructure bank. 22600

(C) ~~Except as otherwise provided in this division, the~~ The 22601
holders or owners of such obligations shall have no right to have 22602
moneys raised by taxation by the state of Ohio obligated or 22603
pledged, and moneys so raised shall not be obligated or pledged, 22604
for the payment of bond service charges. ~~The municipal~~ 22605
~~corporations and counties may pledge and obligate moneys received~~ 22606
~~pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27,~~ 22607
~~and 5735.291 of the Revised Code to the payment of amounts payable~~ 22608
~~by those municipal corporations and counties to the state~~ 22609
~~infrastructure bank pursuant to section 5531.09 of the Revised~~ 22610
~~Code, and the bond proceedings for obligations may provide that~~ 22611
~~such payments shall constitute pledged receipts, provided such~~ 22612
~~moneys are obligated, pledged, and paid only with respect to~~ 22613
~~obligations issued exclusively for public transportation projects.~~ 22614
The right of such holders and owners to the payment of bond 22615
service charges is limited to all or that portion of the pledged 22616
receipts and those special funds pledged thereto pursuant to the 22617
bond proceedings for such obligations in accordance with this 22618
section, and each such obligation shall bear on its face a 22619
statement to that effect. Moneys received as repayment of loans 22620
made by the state infrastructure bank pursuant to section 5531.09 22621
of the Revised Code shall not be considered moneys raised by 22622
taxation by the state of Ohio regardless of the source of the 22623
moneys. 22624

(D) Obligations shall be authorized by order of the issuing 22625
authority and the bond proceedings shall provide for the purpose 22626
thereof and the principal amount or amounts, and shall provide for 22627
or authorize the manner or agency for determining the principal 22628
maturity or maturities, not exceeding twenty-five years from the 22629
date of issuance, the interest rate or rates or the maximum 22630
interest rate, the date of the obligations and the dates of 22631
payment of interest thereon, their denomination, and the 22632

establishment within or without the state of a place or places of 22633
payment of bond service charges. Sections 9.98 to 9.983 of the 22634
Revised Code are applicable to obligations issued under this 22635
section. The purpose of such obligations may be stated in the bond 22636
proceedings in terms describing the general purpose or purposes to 22637
be served. The bond proceedings also shall provide, subject to the 22638
provisions of any other applicable bond proceedings, for the 22639
pledge of all, or such part as the issuing authority may 22640
determine, of the pledged receipts and the applicable special fund 22641
or funds to the payment of bond service charges, which pledges may 22642
be made either prior or subordinate to other expenses, claims, or 22643
payments, and may be made to secure the obligations on a parity 22644
with obligations theretofore or thereafter issued, if and to the 22645
extent provided in the bond proceedings. The pledged receipts and 22646
special funds so pledged and thereafter received by the state 22647
immediately are subject to the lien of such pledge without any 22648
physical delivery thereof or further act, and the lien of any such 22649
pledges is valid and binding against all parties having claims of 22650
any kind against the state or any governmental agency of the 22651
state, irrespective of whether such parties have notice thereof, 22652
and shall create a perfected security interest for all purposes of 22653
Chapter 1309. of the Revised Code, without the necessity for 22654
separation or delivery of funds or for the filing or recording of 22655
the bond proceedings by which such pledge is created or any 22656
certificate, statement, or other document with respect thereto; 22657
and the pledge of such pledged receipts and special funds is 22658
effective and the money therefrom and thereof may be applied to 22659
the purposes for which pledged without necessity for any act of 22660
appropriation. Every pledge, and every covenant and agreement made 22661
with respect thereto, made in the bond proceedings may therein be 22662
extended to the benefit of the owners and holders of obligations 22663
authorized by this section, and to any trustee therefor, for the 22664
further security of the payment of the bond service charges. 22665

	22666
(E) The bond proceedings may contain additional provisions as to:	22667 22668
(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;	22669 22670 22671
(2) Other terms of the obligations;	22672
(3) Limitations on the issuance of additional obligations;	22673
(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	22674 22675
(5) The deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	22676 22677 22678 22679 22680 22681 22682 22683
(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;	22684 22685 22686 22687 22688
(7) Any provision that may be made in a trust agreement or indenture;	22689 22690
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security relating to financial assistance for qualified projects under section 5531.09 of the Revised Code.	22691 22692 22693 22694 22695

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile nevertheless is valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(I) Pending preparation of definitive obligations, the

issuing authority may issue interim receipts or certificates which 22728
shall be exchanged for such definitive obligations. 22729

(J) In the discretion of the issuing authority, obligations 22730
may be secured additionally by a trust agreement or indenture 22731
between the issuing authority and a corporate trustee which may be 22732
any trust company or bank having its principal place of business 22733
within the state. Any such agreement or indenture may contain the 22734
order authorizing the issuance of the obligations, any provisions 22735
that may be contained in any bond proceedings, and other 22736
provisions which are customary or appropriate in an agreement or 22737
indenture of such type, including, but not limited to: 22738

(1) Maintenance of each pledge, trust agreement, indenture, 22739
or other instrument comprising part of the bond proceedings until 22740
the state has fully paid the bond service charges on the 22741
obligations secured thereby, or provision therefor has been made; 22742

(2) In the event of default in any payments required to be 22743
made by the bond proceedings, or any other agreement of the 22744
issuing authority made as a part of the contract under which the 22745
obligations were issued, enforcement of such payments or agreement 22746
by mandamus, the appointment of a receiver, suit in equity, action 22747
at law, or any combination of the foregoing; 22748

(3) The rights and remedies of the holders of obligations and 22749
of the trustee, and provisions for protecting and enforcing them, 22750
including limitations on the rights of individual holders of 22751
obligations; 22752

(4) The replacement of any obligations that become mutilated 22753
or are destroyed, lost, or stolen; 22754

(5) Such other provisions as the trustee and the issuing 22755
authority agree upon, including limitations, conditions, or 22756
qualifications relating to any of the foregoing. 22757

(K) Any holder of obligations or a trustee under the bond 22758
proceedings, except to the extent that the holder's or trustee's 22759
rights are restricted by the bond proceedings, may by any suitable 22760
form of legal proceedings, protect and enforce any rights under 22761
the laws of this state or granted by such bond proceedings. Such 22762
rights include the right to compel the performance of all duties 22763
of the issuing authority and the director of transportation 22764
required by the bond proceedings or sections 5531.09 and 5531.10 22765
of the Revised Code; to enjoin unlawful activities; and in the 22766
event of default with respect to the payment of any bond service 22767
charges on any obligations or in the performance of any covenant 22768
or agreement on the part of the issuing authority or the director 22769
of transportation in the bond proceedings, to apply to a court 22770
having jurisdiction of the cause to appoint a receiver to receive 22771
and administer the pledged receipts and special funds, other than 22772
those in the custody of the treasurer of state, which are pledged 22773
to the payment of the bond service charges on such obligations or 22774
which are the subject of the covenant or agreement, with full 22775
power to pay, and to provide for payment of bond service charges 22776
on, such obligations, and with such powers, subject to the 22777
direction of the court, as are accorded receivers in general 22778
equity cases, excluding any power to pledge additional revenues or 22779
receipts or other income or moneys of the state or local 22780
governmental entities, or agencies thereof, to the payment of such 22781
principal and interest and excluding the power to take possession 22782
of, mortgage, or cause the sale or otherwise dispose of any 22783
project facilities. 22784

Each duty of the issuing authority and the issuing 22785
authority's officers and employees, and of each state or local 22786
governmental agency and its officers, members, or employees, 22787
undertaken pursuant to the bond proceedings or any loan, loan 22788
guarantee, lease, lease-purchase agreement, or other agreement 22789

made under authority of section 5531.09 of the Revised Code, and 22790
in every agreement by or with the issuing authority, is hereby 22791
established as a duty of the issuing authority, and of each such 22792
officer, member, or employee having authority to perform such 22793
duty, specifically enjoined by the law resulting from an office, 22794
trust, or station within the meaning of section 2731.01 of the 22795
Revised Code. 22796

The person who is at the time the issuing authority, or the 22797
issuing authority's officers or employees, are not liable in their 22798
personal capacities on any obligations issued by the issuing 22799
authority or any agreements of or with the issuing authority. 22800

(L) The issuing authority may authorize and issue obligations 22801
for the refunding, including funding and retirement, and advance 22802
refunding with or without payment or redemption prior to maturity, 22803
of any obligations previously issued by the issuing authority or 22804
district obligations. Such refunding obligations may be issued in 22805
amounts sufficient for payment of the principal amount of the 22806
prior obligations or district obligations, any redemption premiums 22807
thereon, principal maturities of any such obligations or district 22808
obligations maturing prior to the redemption of the remaining 22809
obligations or district obligations on a parity therewith, 22810
interest accrued or to accrue to the maturity dates or dates of 22811
redemption of such obligations or district obligations, and any 22812
expenses incurred or to be incurred in connection with such 22813
issuance and such refunding, funding, and retirement. Subject to 22814
the bond proceedings therefor, the portion of proceeds of the sale 22815
of refunding obligations issued under this division to be applied 22816
to bond service charges on the prior obligations or district 22817
obligations shall be credited to an appropriate account held by 22818
the trustee for such prior or new obligations or to the 22819
appropriate account in the bond service fund for such obligations 22820
or district obligations. Obligations authorized under this 22821

division shall be deemed to be issued for those purposes for which 22822
such prior obligations or district obligations were issued and are 22823
subject to the provisions of this section pertaining to other 22824
obligations, except as otherwise provided in this section. The 22825
last maturity of obligations authorized under this division shall 22826
not be later than twenty-five years from the date of issuance of 22827
the original securities issued for the original purpose. 22828

(M) The authority to issue obligations under this section 22829
includes authority to issue obligations in the form of bond 22830
anticipation notes and to renew the same from time to time by the 22831
issuance of new notes. The holders of such notes or interest 22832
coupons pertaining thereto shall have a right to be paid solely 22833
from the pledged receipts and special funds that may be pledged to 22834
the payment of the bonds anticipated, or from the proceeds of such 22835
bonds or renewal notes, or both, as the issuing authority provides 22836
in the order authorizing such notes. Such notes may be 22837
additionally secured by covenants of the issuing authority to the 22838
effect that the issuing authority and the state will do such or 22839
all things necessary for the issuance of such bonds or renewal 22840
notes in the appropriate amount, and apply the proceeds thereof to 22841
the extent necessary, to make full payment of the principal of and 22842
interest on such notes at the time or times contemplated, as 22843
provided in such order. For such purpose, the issuing authority 22844
may issue bonds or renewal notes in such principal amount and upon 22845
such terms as may be necessary to provide funds to pay when 22846
required the principal of and interest on such notes, 22847
notwithstanding any limitations prescribed by or for purposes of 22848
this section. Subject to this division, all provisions for and 22849
references to obligations in this section are applicable to notes 22850
authorized under this division. 22851

The issuing authority in the bond proceedings authorizing the 22852
issuance of bond anticipation notes shall set forth for such bonds 22853

an estimated interest rate and a schedule of principal payments 22854
for such bonds and the annual maturity dates thereof. 22855

(N) Obligations issued under this section are lawful 22856
investments for banks, societies for savings, savings and loan 22857
associations, deposit guarantee associations, trust companies, 22858
trustees, fiduciaries, insurance companies, including domestic for 22859
life and domestic not for life, trustees or other officers having 22860
charge of sinking and bond retirement or other special funds of 22861
political subdivisions and taxing districts of this state, the 22862
commissioners of the sinking fund of the state, the administrator 22863
of workers' compensation, the state teachers retirement system, 22864
the public employees retirement system, the school employees 22865
retirement system, and the Ohio police and fire pension fund, 22866
notwithstanding any other provisions of the Revised Code or rules 22867
adopted pursuant thereto by any agency of the state with respect 22868
to investments by them, and are also acceptable as security for 22869
the deposit of public moneys. 22870

(O) Unless otherwise provided in any applicable bond 22871
proceedings, moneys to the credit of or in the special funds 22872
established by or pursuant to this section may be invested by or 22873
on behalf of the issuing authority only in notes, bonds, or other 22874
obligations of the United States, or of any agency or 22875
instrumentality of the United States, obligations guaranteed as to 22876
principal and interest by the United States, obligations of this 22877
state or any political subdivision of this state, and certificates 22878
of deposit of any national bank located in this state and any 22879
bank, as defined in section 1101.01 of the Revised Code, subject 22880
to inspection by the superintendent of financial institutions. If 22881
the law or the instrument creating a trust pursuant to division 22882
(J) of this section expressly permits investment in direct 22883
obligations of the United States or an agency of the United 22884
States, unless expressly prohibited by the instrument, such moneys 22885

also may be invested in no-front-end-load money market mutual 22886
funds consisting exclusively of obligations of the United States 22887
or an agency of the United States and in repurchase agreements, 22888
including those issued by the fiduciary itself, secured by 22889
obligations of the United States or an agency of the United 22890
States; and in collective investment funds as defined in division 22891
(A) of section 1111.01 of the Revised Code and consisting 22892
exclusively of any such securities. The income from such 22893
investments shall be credited to such funds as the issuing 22894
authority determines, and such investments may be sold at such 22895
times as the issuing authority determines or authorizes. 22896

(P) Provision may be made in the applicable bond proceedings 22897
for the establishment of separate accounts in the bond service 22898
fund and for the application of such accounts only to the 22899
specified bond service charges on obligations pertinent to such 22900
accounts and bond service fund and for other accounts therein 22901
within the general purposes of such fund. Unless otherwise 22902
provided in any applicable bond proceedings, moneys to the credit 22903
of or in the several special funds established pursuant to this 22904
section shall be disbursed on the order of the treasurer of state, 22905
provided that no such order is required for the payment from the 22906
bond service fund when due of bond service charges on obligations. 22907

(Q)(1) The issuing authority may pledge all, or such portion 22908
as the issuing authority determines, of the pledged receipts to 22909
the payment of bond service charges on obligations issued under 22910
this section, and for the establishment and maintenance of any 22911
reserves, as provided in the bond proceedings, and make other 22912
provisions therein with respect to pledged receipts as authorized 22913
by this chapter, which provisions are controlling notwithstanding 22914
any other provisions of law pertaining thereto. 22915

(2) An action taken under division (Q)(2) of this section 22916
does not limit the generality of division (Q)(1) of this section, 22917

and is subject to division (C) of this section and, if and to the extent otherwise applicable, Section 13 of Article VIII, Ohio Constitution. The bond proceedings may contain a covenant that, in the event the pledged receipts primarily pledged and required to be used for the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so notify the governor, and shall determine to what extent, if any, the payment may be made or moneys may be restored to the reserves from lawfully available moneys previously appropriated for that purpose to the department of transportation. The covenant also may provide that if the payments are not made or the moneys are not immediately and fully restored to the reserves from such moneys, the director shall promptly submit to the governor and to the director of budget and management a written request for either or both of the following:

(a) That the next biennial budget submitted by the governor to the general assembly include an amount to be appropriated from lawfully available moneys to the department for the purpose of and sufficient for the payment in full of bond service charges previously due and for the full replenishment of the reserves;

(b) That the general assembly be requested to increase appropriations from lawfully available moneys for the department in the current biennium sufficient for the purpose of and for the payment in full of bond service charges previously due and to come due in the biennium and for the full replenishment of the reserves.

The director of transportation shall include with such requests a recommendation that the payment of the bond service charges and the replenishment of the reserves be made in the

interest of maximizing the benefits of the state infrastructure bank. Any such covenant shall not obligate or purport to obligate the state to pay the bond service charges on such bonds or notes or to deposit moneys in a reserve established for such payments other than from moneys that may be lawfully available and appropriated for that purpose during the then-current biennium.

(R) There is hereby created the state infrastructure bank revenue bond service fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The state infrastructure bank revenue bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(S) The obligations issued pursuant to this section, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 5531.101. (A) Municipal corporations, counties, and townships may not use revenue raised under section 5735.29 of the Revised Code to repay loans made by the state infrastructure bank under section 5531.09 of the Revised Code if both of the following

<u>apply:</u>	22981
<u>(1) The loans were made for highway, road, or street projects begun prior to March 31, 2003.</u>	22982 22983
<u>(2) The revenue:</u>	22984
<u>(a) Results from the increase in the tax imposed under section 5735.29 of the Revised Code pursuant to the amendment of the section by Am. Sub. H.B. 87 of the 125th General Assembly; and</u>	22985 22986 22987
<u>(b) Is distributed under section 5735.291 of the Revised Code.</u>	22988 22989
<u>(B) While the loans described in division (A)(1) of this section are outstanding, the tax commissioner shall notify municipal corporations, counties, and townships receiving the revenue described in division (A)(2) of this section of the amount that cannot be used for the loan repayments.</u>	22990 22991 22992 22993 22994
Sec. 5577.99. (A) Whoever violates the weight provisions of sections 5577.01 to 5577.07 or the weight provisions in regard to highways under section 5577.04 of the Revised Code shall be fined eighty dollars for the first two thousand pounds, or fraction thereof, of overload; for overloads in excess of two thousand pounds, but not in excess of five thousand pounds, such person shall be fined one hundred dollars, and in addition thereto one dollar per one hundred pounds of overload; for overloads in excess of five thousand pounds, but not in excess of ten thousand pounds, such person shall be fined one hundred thirty dollars and in addition thereto two dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. For all overloads in excess of ten thousand pounds such person shall be fined one hundred sixty dollars, and in addition thereto three dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. Whoever violates the weight provisions	22995 22996 22997 22998 22999 23000 23001 23002 23003 23004 23005 23006 23007 23008 23009 23010

of vehicle and load relating to gross load limits shall be fined 23011
not less than one hundred dollars. No penalty prescribed in this 23012
division shall be imposed on any vehicle combination if the 23013
overload on any axle does not exceed one thousand pounds, and if 23014
the immediately preceding or following axle, excepting the front 23015
axle of the vehicle combination, is underloaded by the same or a 23016
greater amount. For purposes of this division, two axles on one 23017
vehicle less than eight feet apart, shall be considered as one 23018
axle. 23019

(B) Whoever violates the weight provisions of section 23020
~~5571.071~~ 5577.071 or 5577.08 or the weight provisions in regard to 23021
bridges under section 5577.09, and whoever exceeds the carrying 23022
capacity specified under section 5591.42 of the Revised Code, 23023
shall be fined eighty dollars for the first two thousand pounds, 23024
or fraction thereof, of overload; for overloads in excess of two 23025
thousand pounds, but not in excess of five thousand pounds, the 23026
person shall be fined one hundred dollars, and in addition thereto 23027
one dollar per one hundred pounds of overload; for overloads in 23028
excess of five thousand pounds, but not in excess of ten thousand 23029
pounds, the person shall be fined one hundred thirty dollars, and 23030
in addition thereto two dollars per one hundred pounds of 23031
overload, or imprisoned not more than thirty days, or both. For 23032
all overloads in excess of ten thousand pounds, the person shall 23033
be fined one hundred sixty dollars, and in addition thereto three 23034
dollars per one hundred pounds of overload, or imprisoned not more 23035
than thirty days, or both. 23036

Notwithstanding any other provision of the Revised Code that 23037
specifies a procedure for the distribution of fines, all fines 23038
collected pursuant to division (B) of this section shall be paid 23039
into the treasury of the county and credited to any fund for the 23040
maintenance and repair of roads, highways, bridges, or culverts. 23041

(C) Whoever violates any other provision of sections 5577.01 23042

to 5577.09 of the Revised Code is guilty of a minor misdemeanor on 23043
a first offense; on a second or subsequent offense, such person is 23044
guilty of a misdemeanor of the fourth degree. 23045

(D) Whoever violates section 5577.10 of the Revised Code 23046
shall be fined not more than five thousand dollars or imprisoned 23047
for not less than thirty days nor more than six months, or both. 23048

(E) Whoever violates section 5577.11 of the Revised Code 23049
shall be fined not more than twenty-five dollars. 23050

Sec. 5701.11. (A) Except as incorporated under division (B) 23051
of this section, any reference in Title LVII of the Revised Code 23052
to the Internal Revenue Code, to the Internal Revenue Code "as 23053
amended," to other laws of the United States, or to other laws of 23054
the United States, "as amended" means the Internal Revenue Code or 23055
other laws of the United States as they exist on the effective 23056
date of this section as enacted by this act. This section does not 23057
apply to any reference to the Internal Revenue Code or to other 23058
laws of the United States as of a date certain. 23059

(B) For purposes of applying section 5733.04, 5745.01, or 23060
5747.01 of the Revised Code to a taxpayer's taxable year ending in 23061
2005, a taxpayer may irrevocably elect to incorporate the 23062
provisions of the Internal Revenue Code or other laws of the 23063
United States that are in effect for federal income tax purposes 23064
for that taxable year if those provisions differ from the 23065
provisions that would otherwise be incorporated into section 23066
5733.04, 5745.01, or 5747.01 of the Revised Code for that taxable 23067
year under division (A) of this section. The filing of a report or 23068
return by the taxpayer for that taxable year that incorporates the 23069
provisions of the Internal Revenue Code or other laws of the 23070
United States applicable for federal income tax purposes to that 23071
taxable year, without adjustments to reverse the effects of any 23072
differences between those provisions and the provisions that would 23073

otherwise be incorporated under division (A) of this section, 23074
constitutes the making of an irrevocable election under this 23075
division. 23076

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 23077
of this section, no agent of the department of taxation, except in 23078
the agent's report to the department or when called on to testify 23079
in any court or proceeding, shall divulge any information acquired 23080
by the agent as to the transactions, property, or business of any 23081
person while acting or claiming to act under orders of the 23082
department. Whoever violates this provision shall thereafter be 23083
disqualified from acting as an officer or employee or in any other 23084
capacity under appointment or employment of the department. 23085
23086

(B)(1) For purposes of an audit pursuant to section 117.15 of 23087
the Revised Code, or an audit of the department pursuant to 23088
Chapter 117. of the Revised Code, or an audit, pursuant to that 23089
chapter, the objective of which is to express an opinion on a 23090
financial report or statement prepared or issued pursuant to 23091
division (A)(7) or (9) of section 126.21 of the Revised Code, the 23092
officers and employees of the auditor of state charged with 23093
conducting the audit shall have access to and the right to examine 23094
any state tax returns and state tax return information in the 23095
possession of the department to the extent that the access and 23096
examination are necessary for purposes of the audit. Any 23097
information acquired as the result of that access and examination 23098
shall not be divulged for any purpose other than as required for 23099
the audit or unless the officers and employees are required to 23100
testify in a court or proceeding under compulsion of legal 23101
process. Whoever violates this provision shall thereafter be 23102
disqualified from acting as an officer or employee or in any other 23103
capacity under appointment or employment of the auditor of state. 23104

(2) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to section 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number,

or business address of a holder of a vendor's license issued 23135
pursuant to section 5739.17 of the Revised Code, a holder of a 23136
direct payment permit issued pursuant to section 5739.031 of the 23137
Revised Code, or a seller having a use tax account maintained 23138
pursuant to section 5741.17 of the Revised Code, or information 23139
regarding the active or inactive status of a vendor's license, 23140
direct payment permit, or seller's use tax account; 23141

(8) Releasing invoices or invoice information furnished under 23142
section 4301.433 of the Revised Code pursuant to that section; 23143

(9) Providing to a county auditor notices or documents 23144
concerning or affecting the taxable value of property in the 23145
county auditor's county. Unless authorized by law to disclose 23146
documents so provided, the county auditor shall not disclose such 23147
documents; 23148

(10) Providing to a county auditor sales or use tax return or 23149
audit information under section 333.06 of the Revised Code. 23150

Sec. 5703.57. (A) As used in this section, "Ohio business 23151
gateway" has the same meaning as in section 718.051 of the Revised 23152
Code. 23153

(B) There is hereby created the Ohio business gateway 23154
steering committee to direct the continuing development of the 23155
Ohio business gateway and to oversee its operations. The committee 23156
shall provide general oversight regarding operation of the Ohio 23157
business gateway and shall recommend to the department of 23158
administrative services enhancements that will improve the Ohio 23159
business gateway. The committee shall consider all banking, 23160
technological, administrative, and other issues associated with 23161
the Ohio business gateway and shall make recommendations regarding 23162
the type of reporting forms or other tax documents to be filed 23163
through the Ohio business gateway. 23164

(C) The committee shall consist of:	23165
(1) The following members, appointed by the governor with the advice and consent of the senate:	23166
(a) Not more than two representatives of the business community;	23167
(b) Not more than three representatives of municipal tax administrators; and	23168
(c) Not more than two tax practitioners.	23169
(2) The following ex officio members:	23172
(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee;	23173
(b) The secretary of state or the secretary of state's designee;	23174
(c) The treasurer of state or the treasurer of state's designee;	23175
(d) The director of budget and management or the director's designee;	23176
(e) The director of administrative services <u>the office of information technology</u> or the director's designee; and	23177
(f) The tax commissioner or the tax commissioner's designee.	23178
An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments.	23179
(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee.	23180
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The concurrence of at least a majority of the members of the
committee is necessary for any action to be taken by the
committee. On request, each member of the committee shall be
reimbursed for the actual and necessary expenses incurred in the
discharge of the member's duties.

(E) The committee is a part of the department of taxation for
administrative purposes.

(F) Each year, the governor shall select a member of the
committee to serve as chairperson. The chairperson shall appoint
an official or employee of the department of taxation to act as
the committee's secretary. The secretary shall keep minutes of the
committee's meetings and a journal of all meetings, proceedings,
findings, and determinations of the committee.

(G) The committee shall hire professional, technical, and
clerical staff needed to support its activities.

(H) The committee shall meet as often as necessary to perform
its duties.

Sec. 5705.03. (A) The taxing authority of each subdivision
may levy taxes annually, subject to the limitations of sections
5705.01 to 5705.47 of the Revised Code, on the real and personal
property within the subdivision for the purpose of paying the
current operating expenses of the subdivision and acquiring or
constructing permanent improvements. The taxing authority of each
subdivision and taxing unit shall, subject to the limitations of
such sections, levy such taxes annually as are necessary to pay
the interest and sinking fund on and retire at maturity the bonds,
notes, and certificates of indebtedness of such subdivision and
taxing unit, including levies in anticipation of which the
subdivision or taxing unit has incurred indebtedness.

(B)(1) When a taxing authority determines that it is

necessary to levy a tax outside the ten-mill limitation for any 23224
purpose authorized by the Revised Code, the taxing authority shall 23225
certify to the county auditor a resolution or ordinance requesting 23226
that the county auditor certify to the taxing authority the total 23227
current tax valuation of the subdivision, and the number of mills 23228
required to generate a specified amount of revenue, or the dollar 23229
amount of revenue that would be generated by a specified number of 23230
mills. The resolution or ordinance shall state the purpose of the 23231
tax, whether the tax is an additional levy or a renewal or a 23232
replacement of an existing tax, and the section of the Revised 23233
Code authorizing submission of the question of the tax. If a 23234
subdivision is located in more than one county, the county auditor 23235
shall obtain from the county auditor of each other county in which 23236
the subdivision is located the current tax valuation for the 23237
portion of the subdivision in that county. The county auditor 23238
shall issue the certification to the taxing authority within ten 23239
days after receiving the taxing authority's resolution or 23240
ordinance requesting it. 23241

(2) When considering the tangible personal property component 23242
of the tax valuation of the subdivision, the county auditor shall 23243
take into account the assessment percentages prescribed in section 23244
5711.22 of the Revised Code. The tax commissioner may issue rules, 23245
orders, or instructions directing how the assessment percentages 23246
must be utilized. 23247

(3) If, upon receiving the certification from the county 23248
auditor, the taxing authority proceeds with the submission of the 23249
question of the tax to electors, the taxing authority shall 23250
certify its resolution or ordinance, accompanied by a copy of the 23251
county auditor's certification, to the proper county board of 23252
elections in the manner and within the time prescribed by the 23253
section of the Revised Code governing submission of the question, 23254
and shall include with its certification the rate of the tax levy, 23255

expressed in mills for each one dollar in tax valuation as 23256
estimated by the county auditor. The county board of elections 23257
shall not submit the question of the tax to electors unless a copy 23258
of the county auditor's certification accompanies the resolution 23259
or ordinance the taxing authority certifies to the board. Before 23260
requesting a taxing authority to submit a tax levy, any agency or 23261
authority authorized to make that request shall first request the 23262
certification from the county auditor provided under this section. 23263

(4) This division is supplemental to, and not in derogation 23264
of, any similar requirement governing the certification by the 23265
county auditor of the tax valuation of a subdivision or necessary 23266
tax rates for the purposes of the submission of the question of a 23267
tax in excess of the ten-mill limitation, including sections 23268
133.18 and 5705.195 of the Revised Code. 23269

(C) All taxes levied on property shall be extended on the tax 23270
duplicate by the county auditor of the county in which the 23271
property is located, and shall be collected by the county 23272
treasurer of such county in the same manner and under the same 23273
laws and rules as are prescribed for the assessment and collection 23274
of county taxes. The proceeds of any tax levied by or for any 23275
subdivision when received by its fiscal officer shall be deposited 23276
in its treasury to the credit of the appropriate fund. 23277

Sec. 5705.195. Within five days after the resolution is 23278
certified to the county auditor as provided by section 5705.194 of 23279
the Revised Code, the auditor shall calculate and certify to the 23280
taxing authority the annual levy, expressed in dollars and cents 23281
for each one hundred dollars of valuation as well as in mills for 23282
each one dollar of valuation, throughout the life of the levy 23283
which will be required to produce the annual amount set forth in 23284
the resolution assuming that the amount of the tax list of such 23285
subdivision remains throughout the life of the levy the same as 23286

the amount of the tax list for the current year, and if this is 23287
not determined, the estimated amount submitted by the auditor to 23288
the county budget commission. ~~Thereupon~~ When considering the 23289
tangible personal property component of the tax valuation of the 23290
subdivision, the county auditor shall take into account the 23291
assessment percentages prescribed in section 5711.22 of the 23292
Revised Code. The tax commissioner may issue rules, orders, or 23293
instructions directing how the assessment percentages must be 23294
utilized. 23295

Upon receiving the certification from the county auditor, if 23296
the taxing authority desires to proceed with the submission of the 23297
question it shall, not less than seventy-five days before the day 23298
of such election, certify its resolution, together with the amount 23299
of the average tax levy, expressed in dollars and cents for each 23300
one hundred dollars of valuation as well as in mills for each one 23301
dollar of valuation, estimated by the auditor, and the number of 23302
years the levy is to run to the board of elections of the county 23303
which shall prepare the ballots and make other necessary 23304
arrangements for the submission of the question to the voters of 23305
the subdivision. 23306

Sec. 5705.211. (A) As used in this section: 23307

(1) "Adjusted charge-off increase" for a tax year means two 23308
and three-tenths per cent of the cumulative carryover property 23309
value increase. 23310

(2) "Cumulative carryover property value increase" means the 23311
sum of the increases in carryover value certified under division 23312
(B)(2) of section 3317.015 of the Revised Code and included in a 23313
school district's total taxable value in the computation of 23314
recognized valuation under division (B) of that section for all 23315
fiscal years from the fiscal year that ends in the first tax year 23316
a levy under this section is extended on the tax list of real and 23317

public utility property until and including the fiscal year that 23318
ends in the current tax year. 23319

(3) "Taxes charged and payable" means the taxes charged and 23320
payable from a tax levy extended on the real and public utility 23321
property tax list and the general list of personal property before 23322
any reduction under section 319.302, 323.152, or 323.158 of the 23323
Revised Code. 23324

(B) The board of education of a city, local, or exempted 23325
village school district may adopt a resolution proposing the levy 23326
of a tax in excess of the ten-mill limitation for the purpose of 23327
paying the current operating expenses of the district. If the 23328
resolution is approved as provided in division (D) of this 23329
section, the tax may be levied at such a rate each tax year that 23330
the total taxes charged and payable from the levy equals the 23331
adjusted charge-off increase for the tax year or equals a lesser 23332
amount as prescribed under division (C) of this section. The tax 23333
may be levied for a continuing period of time or for a specific 23334
number of years, but not fewer than five years, as provided in the 23335
resolution. The tax may not be placed on the tax list for a tax 23336
year beginning before the first day of January following adoption 23337
of the resolution. A board of education may not adopt a resolution 23338
under this section proposing to levy a tax under this section 23339
concurrently with any other tax levied by the board under this 23340
section. 23341

(C) After the first year a tax is levied under this section, 23342
the rate of the tax in any year shall not exceed the rate, 23343
estimated by the county auditor, that would cause the sums levied 23344
from the tax against carryover property to exceed one hundred four 23345
per cent of the sums levied from the tax against carryover 23346
property in the preceding year. A board of education imposing a 23347
tax under this section may specify in the resolution imposing the 23348
tax that the percentage shall be less than one hundred four per 23349

cent, but the percentage shall not be less than one hundred per 23350
cent. At any time after a resolution adopted under this section is 23351
approved by a majority of electors as provided in division (D) of 23352
this section, the board of education, by resolution, may decrease 23353
the percentage specified in the resolution levying the tax. 23354

(D) A resolution adopted under this section shall state that 23355
the purpose of the tax is to pay current operating expenses of the 23356
district, and shall specify the first year in which the tax is to 23357
be levied, the number of years the tax will be levied or that it 23358
will be levied for a continuing period of time, and the election 23359
at which the question of the tax is to appear on the ballot, which 23360
shall be a general or special election consistent with the 23361
requirements of section 3501.01 of the Revised Code. If the board 23362
of education specifies a percentage less than one hundred four per 23363
cent pursuant to division (C) of this section, the percentage 23364
shall be specified in the resolution. 23365

Upon adoption of the resolution, the board of education may 23366
certify a copy of the resolution to the proper county board of 23367
elections. The copy of the resolution shall be certified to the 23368
board of elections not later than seventy-five days before the day 23369
of the election at which the question of the tax is to appear on 23370
the ballot. Upon receiving a timely certified copy of such a 23371
resolution, the board of elections shall make the necessary 23372
arrangements for the submission of the question to the electors of 23373
the school district, and the election shall be conducted, 23374
canvassed, and certified in the same manner as regular elections 23375
in the school district for the election of members of the board of 23376
education. Notice of the election shall be published in one or 23377
more newspapers of general circulation in the school district once 23378
per week for four consecutive weeks. The notice shall state that 23379
the purpose of the tax is for the current operating expenses of 23380
the school district, the first year the tax is to be levied, the 23381

number of years the tax is to be levied or that it is to be levied 23382
for a continuing period of time, that the tax is to be levied each 23383
year in an amount estimated to offset decreases in state base cost 23384
funding caused by appreciation in real estate values, and that the 23385
estimated additional tax in any year shall not exceed the previous 23386
year's by more than four per cent, or a lesser percentage 23387
specified in the resolution levying the tax, except for increases 23388
caused by the addition of new taxable property. 23389

The question shall be submitted as a separate proposition but 23390
may be printed on the same ballot with any other proposition 23391
submitted at the same election other than the election of 23392
officers. 23393

The form of the ballot shall be substantially as follows: 23394

"An additional tax for the benefit of (name of school 23395
district) for the purpose of paying the current operating expenses 23396
of the district, for (number of years or for continuing 23397
period of time), at a rate sufficient to offset any reduction in 23398
basic state funding caused by appreciation in real estate values? 23399

	<u>For the tax levy</u>	"
	<u>Against the tax levy</u>	

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If a majority of the electors of the school district voting 23404
on the question vote in favor of the question, the board of 23405
elections shall certify the results of the election to the board 23406
of education and to the tax commissioner immediately after the 23407
canvass. 23408

(E) When preparing any estimate of the contemplated receipts 23409
from a tax levied pursuant to this section for the purposes of 23410
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 23411

to certify the tax under section 5705.34 of the Revised Code, a 23412
board of education authorized to levy such a tax shall use 23413
information supplied by the department of education to determine 23414
the adjusted charge-off increase for the tax year for which that 23415
certification is made. If the board levied a tax under this 23416
section in the preceding tax year, the sum to be certified for 23417
collection from the tax shall not exceed the sum that would exceed 23418
the limitation imposed under division (C) of this section. At the 23419
request of the board of education or the treasurer of the school 23420
district, the county auditor shall assist the board of education 23421
in determining the rate or sum that may be levied under this 23422
section. 23423

The board of education shall certify the sum authorized to be 23424
levied to the county auditor, and, for the purpose of the county 23425
auditor determining the rate at which the tax is to be levied in 23426
the tax year, the sum so certified shall be the sum to be raised 23427
by the tax unless the sum exceeds the limitation imposed by 23428
division (C) of this section. A tax levied pursuant to this 23429
section shall not be levied at a rate in excess of the rate 23430
estimated by the county auditor to produce the sum certified by 23431
the board of education before the reductions under sections 23432
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 23433
section 5705.34 of the Revised Code, a board of education 23434
authorized to levy a tax under this section shall certify the tax 23435
to the county auditor before the first day of October of the tax 23436
year in which the tax is to be levied, or at a later date as 23437
approved by the tax commissioner. 23438

Sec. 5705.34. When the budget commission has completed its 23439
work with respect to a tax budget or other information required to 23440
be provided under section 5705.281 of the Revised Code, it shall 23441
certify its action to the taxing authority, together with an 23442

estimate by the county auditor of the rate of each tax necessary 23443
to be levied by the taxing authority within its subdivision or 23444
taxing unit, and what part thereof is in excess of, and what part 23445
within, the ten-mill tax limitation. The certification shall also 23446
indicate the date on which each tax levied by the taxing authority 23447
will expire. 23448

If a taxing authority levies a tax for a fixed sum of money 23449
or to pay debt charges for the tax year for which the tax budget 23450
is prepared, and a payment on account of that tax is payable to 23451
the taxing authority for the tax year under section 5727.85 ~~or~~, 23452
5727.86, 5751.21, or 5751.22 of the Revised Code, the county 23453
auditor, when estimating the rate at which the tax shall be levied 23454
in the current year, shall estimate the rate necessary to raise 23455
the required sum less the estimated amount of any payments made 23456
for the tax year to a taxing unit for fixed-sum levies under those 23457
~~sections 5727.85 and 5727.86 of the Revised Code.~~ The estimated 23458
rate shall be the rate of the levy that the budget commission 23459
certifies with its action under this section. 23460

Each taxing authority, by ordinance or resolution, shall 23461
authorize the necessary tax levies and certify them to the county 23462
auditor before the first day of October in each year, or at such 23463
later date as is approved by the tax commissioner, except that the 23464
certification by a board of education shall be made by the first 23465
day of April or at such later date as is approved by the 23466
commissioner, and except that a township board of park 23467
commissioners that is appointed by the board of township trustees 23468
and oversees a township park district that contains only 23469
unincorporated territory shall authorize only those taxes approved 23470
by, and only at the rate approved by, the board of township 23471
trustees as required by division (C) of section 511.27 of the 23472
Revised Code. If the levying of a tax to be placed on the 23473
duplicate of the current year is approved by the electors of the 23474

subdivision under sections 5705.01 to 5705.47 of the Revised Code; 23475
if the rate of a school district tax is increased due to the 23476
repeal of a school district income tax and property tax rate 23477
reduction at an election held pursuant to section 5748.04 of the 23478
Revised Code; or if refunding bonds to refund all or a part of the 23479
principal of bonds payable from a tax levy for the ensuing fiscal 23480
year are issued or sold and in the process of delivery, the budget 23481
commission shall reconsider and revise its action on the budget of 23482
the subdivision or school library district for whose benefit the 23483
tax is to be levied after the returns of such election are fully 23484
canvassed, or after the issuance or sale of such refunding bonds 23485
is certified to it. 23486

Sec. 5709.081. (A) Real and tangible personal property owned 23487
by a political subdivision that is a public recreational facility 23488
for athletic events shall be exempt from taxation if all of the 23489
following apply: 23490

(1) The property is controlled and managed by a political 23491
subdivision or a county-related corporation or by a similar 23492
corporation under the direct control of a political subdivision 23493
and whose members and trustees are chosen or appointed by the 23494
subdivision; 23495

(2) All revenues and receipts derived by the subdivision or 23496
corporation that controls and manages the property, after 23497
deducting amounts needed to pay necessary expenses for the 23498
operation and management of the property, accrue to the political 23499
subdivision owning the property; 23500

(3) The property is not occupied and used for more than seven 23501
days in any calendar month by any private entity for profit or for 23502
more than a total of fifteen days in any calendar month by all 23503
such private entities for profit; 23504

(4) The property is under the direction and control of the political subdivision or managing corporation whenever it is being used by a private entity for profit;

(5) The primary user or users of the property, if such a primary user exists, are controlled and managed by the political subdivision or corporation that controls and manages the property.

(B) Tangible personal property, and all buildings, structures, fixtures, and improvements,~~and fixtures~~ of any kind ~~on~~ to the land, that are constructed or, in the case of personal property, acquired after March 2, 1992, and are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league baseball team for a significant portion of its home schedule, and land acquired by a political subdivision in 1999 for such purposes or originally leased from a political subdivision, such political subdivision qualifying as such pursuant to division (G) of this section, in 1998 for such purposes, are declared to be public property used for a public purpose and are exempt from taxation, if all of the following apply:

(1) Such property, or the land upon which such property is located if such land was originally leased in 1998 from a political subdivision that qualifies as such pursuant to division (G) of this section, is owned by one or more political subdivisions or by a corporation controlled by such subdivisions;

(2) Such property was or is any of the following:

(a) Constructed or, in the case of personal property, acquired pursuant to an agreement with a municipal corporation to implement a development, redevelopment, or renewal plan for an area declared by the municipal corporation to be a slum or blighted area, as those terms are defined in section 725.01 of the Revised Code;

(b) Financed in whole or in part with public obligations as defined in section 5709.76 of the Revised Code or otherwise paid for in whole or in part by one or more political subdivisions;	23536 23537 23538
(c) An improvement or addition to property defined in division (B)(2)(a) or (b) of this section.	23539 23540
(3) Such property is controlled and managed by either of the following:	23541 23542
(a) One or more of the political subdivisions or the corporation that owns it;	23543 23544
(b) A designee, tenant, or agent of such political subdivision or subdivisions or corporation pursuant to a management, lease, or similar written agreement.	23545 23546 23547
(4) The primary user or users of such property, if a primary user or primary users exist, either:	23548 23549
(a) Are controlled and managed by one or more of the political subdivisions or the corporation that owns the property;	23550 23551
or	23552
(b) Operate under leases, licenses, management agreements, or similar arrangements with, and providing for the payment of rents, revenues, or other remuneration to, one or more of the political subdivisions or the corporation that owns the property.	23553 23554 23555 23556
(5) Any residual cash accrues to the political subdivision or subdivisions that own the property or that control the corporation that owns the property, and is used for the public purposes of the subdivision or subdivisions. As used in division (B)(5) of this section, "residual cash" means any revenue and receipts derived from the property by the political subdivision or subdivisions or corporation that owns the property and that are available for unencumbered use by the political subdivision or subdivisions or corporation, after deducting amounts needed to make necessary	23557 23558 23559 23560 23561 23562 23563 23564 23565

expenditures, pay debt service, and provide for working capital 23566
related to the ownership, management, operation, and use of the 23567
property, including payments of taxes on the taxable part of the 23568
public recreational facility, contractually obligated payments or 23569
deposits into reserves or otherwise, and service payments under 23570
section 307.699 of the Revised Code. 23571

(C) The exemption provided in division (B) of this section 23572
also applies to both of the following: 23573

(1) The property during its construction or, in the case of 23574
tangible personal property, acquisition during the construction 23575
period, if the owner meets the condition of division (B)(1) of 23576
this section and has agreements that provide for the satisfaction 23577
of all other conditions of division (B) of this section upon the 23578
completion of the construction; 23579

(2) Any improvement or addition made after March 2, 1992, to 23580
a public recreational facility that was constructed before March 23581
2, 1992, as long as all other conditions in division (B) of this 23582
section are met. 23583

(D) A corporation that owns property exempt from taxation 23584
under division (B) of this section is a public body for the 23585
purposes of section 121.22 of the Revised Code. The corporation's 23586
records are public records for the purposes of section 149.43 of 23587
the Revised Code, except records related to matters set forth in 23588
division (G) of section 121.22 of the Revised Code and records 23589
related to negotiations that are not yet completed for financing, 23590
leases, or other agreements. 23591

(E) The exemption under division (B) of this section applies 23592
to property that is owned by the political subdivision or 23593
subdivisions or the corporation that owns the public recreational 23594
facility. Tangible personal property owned by users, managers, or 23595
lessees of the facility is taxable when used in the public 23596

recreational facility. 23597

(F) Nothing in this section or in any other section of the 23598
Revised Code prohibits or otherwise precludes an agreement between 23599
a political subdivision, or a corporation controlled by a 23600
political subdivision, that owns or operates a public recreational 23601
facility that is exempted from taxation under division (A) or (B) 23602
of this section and the board of education of a school district or 23603
the legislative authority of a municipal corporation, or both, in 23604
which all or a part of that facility is located, providing for 23605
payments to the school district or municipal corporation, or both, 23606
in lieu of taxes that otherwise would be charged against real and 23607
tangible personal property exempted from taxation under this 23608
section, for a period of time and under such terms and conditions 23609
as the legislative authority of the political subdivision and the 23610
board of education or municipal legislative authority, or both, 23611
may agree, which agreements are hereby specifically authorized. 23612

(G) As used in this section, "political subdivision" includes 23613
the state or an agency of the state if the city, local, or 23614
exempted village school district in which the property is situated 23615
expressly consents to exempting the property from taxation. 23616

Sec. 5709.40. (A) As used in this section: 23617

(1) "Blighted area" and "impacted city" have the same 23618
meanings as in section 1728.01 of the Revised Code. 23619

(2) "Business day" means a day of the week excluding 23620
Saturday, Sunday, and a legal holiday as defined under section 23621
1.14 of the Revised Code. 23622

(3) "Housing renovation" means a project carried out for 23623
residential purposes. 23624

(4) "Improvement" means the increase in the assessed value of 23625
any real property that would first appear on the tax list and 23626

duplicate of real and public utility property after the effective
date of an ordinance adopted under this section were it not for
the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three
hundred acres in size enclosed by a continuous boundary in which a
project is being, or will be, undertaken and having one or more of
the following distress characteristics:

(a) At least fifty-one per cent of the residents of the
district have incomes of less than eighty per cent of the median
income of residents of the political subdivision in which the
district is located, as determined in the same manner specified
under section 119(b) of the "Housing and Community Development Act
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during
the most recent twelve-month period for which data are available
is equal to at least one hundred fifty per cent of the average
rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the
district live at or below the poverty level as defined in the
federal Housing and Community Development Act of 1974, 42 U.S.C.
5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as
designated by the director of development under division (F) of
section 122.23 of the Revised Code.

(f) As certified by the engineer for the political
subdivision, the public infrastructure serving the district is
inadequate to meet the development needs of the district as
evidenced by a written economic development plan or urban renewal
plan for the district that has been adopted by the legislative

authority of the subdivision. 23657

(g) The district is comprised entirely of unimproved land 23658
that is located in a distressed area as defined in section 122.23 23659
of the Revised Code. 23660

(6) "Project" means development activities undertaken on one 23661
or more parcels, including, but not limited to, construction, 23662
expansion, and alteration of buildings or structures, demolition, 23663
remediation, and site development, and any building or structure 23664
that results from those activities. 23665

(7) "Public infrastructure improvement" includes, but is not 23666
limited to, public roads and highways; water and sewer lines; 23667
environmental remediation; land acquisition, including acquisition 23668
in aid of industry, commerce, distribution, or research; 23669
demolition, including demolition on private property when 23670
determined to be necessary for economic development purposes; 23671
stormwater and flood remediation projects, including such projects 23672
on private property when determined to be necessary for public 23673
health, safety, and welfare; the provision of gas, electric, and 23674
communications service facilities; and the enhancement of public 23675
waterways through improvements that allow for greater public 23676
access. ~~"Public infrastructure improvement" does not include~~ 23677
~~police or fire equipment.~~ 23678

(B) The legislative authority of a municipal corporation, by 23679
ordinance, may declare improvements to certain parcels of real 23680
property located in the municipal corporation to be a public 23681
purpose. Improvements with respect to a parcel that is used or to 23682
be used for residential purposes may be declared a public purpose 23683
under this division only if the parcel is located in a blighted 23684
area of an impacted city. Except ~~as otherwise provided in~~ with the 23685
approval under division (D) of this section of the board of 23686
education of each city, local, or exempted village school district 23687

within which the improvements are located, not more than 23688
seventy-five per cent of an improvement thus declared to be a 23689
public purpose may be exempted from real property taxation for a 23690
period of not more than ten years. The ordinance shall specify the 23691
percentage of the improvement to be exempted from taxation and the 23692
life of the exemption. 23693

An ordinance adopted or amended under this division shall 23694
designate the specific public infrastructure improvements made, to 23695
be made, or in the process of being made by the municipal 23696
corporation that directly benefit, or that once made will directly 23697
benefit, the parcels for which improvements are declared to be a 23698
public purpose. The service payments provided for in section 23699
5709.42 of the Revised Code shall be used to finance the public 23700
infrastructure improvements designated in the ordinance ~~or~~, for 23701
the purpose described in division (D)(1) of this section or as 23702
provided in section 5709.43 of the Revised Code. 23703

(C)(1) The legislative authority of a municipal corporation 23704
may adopt an ordinance creating an incentive district and 23705
declaring improvements to parcels within the district to be a 23706
public purpose and, except as provided in division (F) of this 23707
section, exempt from taxation as provided in this section, but no 23708
legislative authority of a municipal corporation that has a 23709
population that exceeds twenty-five thousand, as shown by the most 23710
recent federal decennial census, shall adopt an ordinance that 23711
creates an incentive district if, ~~as a result of adopting the~~ 23712
~~ordinance, more than~~ the sum of the taxable value of real property 23713
in the proposed district for the preceding tax year and the 23714
taxable value of all real property in the municipal corporation 23715
that would have been taxable in the preceding year were it not for 23716
the fact that the property was in an existing incentive district 23717
and therefore exempt from taxation exceeds twenty-five per cent of 23718
the ~~municipal corporation's taxable value, as of the first day of~~ 23719

~~January of the year in which the ordinance takes effect, is~~ 23720
~~subject to an exemption because of an incentive district. The~~ 23721
~~twenty five per cent limitation does not apply to an incentive~~ 23722
~~district that was created by an ordinance adopted prior to January~~ 23723
~~1, 2006, unless the legislative authority creates an additional~~ 23724
~~incentive district after that date taxable value of real property~~ 23725
~~in the municipal corporation for the preceding tax year. The~~ 23726
ordinance shall delineate the boundary of the district and 23727
specifically identify each parcel within the district. A district 23728
may not include any parcel that is or has been exempted from 23729
taxation under division (B) of this section or that is or has been 23730
within another district created under this division. An ordinance 23731
may create more than one such district, and more than one 23732
ordinance may be adopted under division (C)(1) of this section. 23733

(2) Not later than thirty days prior to adopting an ordinance 23734
under division (C)(1) of this section, if the municipal 23735
corporation intends to apply for exemptions from taxation under 23736
section 5709.911 of the Revised Code on behalf of owners of real 23737
property located within the proposed incentive district, the 23738
legislative authority of a municipal corporation shall conduct a 23739
public hearing on the proposed ordinance. Not later than thirty 23740
days prior to the public hearing, the legislative authority shall 23741
give notice of the public hearing and the proposed ordinance by 23742
first class mail to every real property owner whose property is 23743
located within the boundaries of the proposed incentive district 23744
that is the subject of the proposed ordinance. 23745

(3)(a) An ordinance adopted under division (C)(1) of this 23746
section shall specify the life of the incentive district and the 23747
percentage of the improvements to be exempted, shall designate the 23748
public infrastructure improvements made, to be made, or in the 23749
process of being made, that benefit or serve, or, once made, will 23750
benefit or serve parcels in the district. The ordinance also shall 23751

identify one or more specific projects being, or to be, undertaken 23752
in the district that place additional demand on the public 23753
infrastructure improvements designated in the ordinance. The 23754
project identified may, but need not be, the project under 23755
division (C)(3)(b) of this section that places real property in 23756
use for commercial or industrial purposes. Except as otherwise 23757
permitted under that division, the service payments provided for 23758
in section 5709.42 of the Revised Code shall be used to finance 23759
the designated public infrastructure improvements ~~or~~ for the 23760
purpose described in division (D)(1) or (E) of this section, or as 23761
provided in section 5709.43 of the Revised Code. 23762

An ordinance adopted under division (C)(1) of this section on 23763
or after the effective date of this amendment shall not designate 23764
police or fire equipment as public infrastructure improvements, 23765
and no service payment provided for in section 5709.42 of the 23766
Revised Code and received by the municipal corporation under the 23767
ordinance shall be used for police or fire equipment. 23768

(b) An ordinance adopted under division (C)(1) of this 23769
section may authorize the use of service payments provided for in 23770
section 5709.42 of the Revised Code for the purpose of housing 23771
renovations within the incentive district, provided that the 23772
ordinance also designates public infrastructure improvements that 23773
benefit or serve the district, and that a project within the 23774
district places real property in use for commercial or industrial 23775
purposes. Service payments may be used to finance or support 23776
loans, deferred loans, and grants to persons for the purpose of 23777
housing renovations within the district. The ordinance shall 23778
designate the parcels within the district that are eligible for 23779
housing renovation. The ordinance shall state separately the 23780
amounts or the percentages of the expected aggregate service 23781
payments that are designated for each public infrastructure 23782
improvement and for the general purpose of housing renovations. 23783

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval

~~(5) Approval of a board of education shall be obtained in the manner provided in division (D) of this section for exemptions under division (B) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance.~~

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted 23816
from taxation under division (B) of this section, and improvements 23817
to parcels within an incentive district may be exempted from 23818
taxation under division (C) of this section, for up to ten years 23819
or, with the approval under this paragraph of the board of 23820
education of the city, local, or exempted village school district 23821
within which the parcel or district is located, for up to thirty 23822
years. The percentage of the improvement exempted from taxation 23823
may, with such approval, exceed seventy-five per cent, but shall 23824
not exceed one hundred per cent. Not later than forty-five 23825
business days prior to adopting an ordinance under this section 23826
declaring improvements to be a public purpose that is subject to 23827
approval by a board of education under this division, the 23828
legislative authority shall deliver to the board of education a 23829
notice stating its intent to adopt an ordinance making that 23830
declaration. The notice regarding improvements with respect to a 23831
parcel under division (B) of this section shall identify the 23832
parcels for which improvements are to be exempted from taxation, 23833
provide an estimate of the true value in money of the 23834
improvements, specify the period for which the improvements would 23835
be exempted from taxation and the percentage of the improvement 23836
that would be exempted, and indicate the date on which the 23837
legislative authority intends to adopt the ordinance. The notice 23838
regarding improvements to parcels within an incentive district 23839
under division (C) of this section shall delineate the boundaries 23840
of the district, specifically identify each parcel within the 23841
district, identify each anticipated improvement in the district, 23842
provide an estimate of the true value in money of each such 23843
improvement, specify the life of the district and the percentage 23844
of improvements that would be exempted, and indicate the date on 23845
which the legislative authority intends to adopt the ordinance. 23846
The board of education, by resolution adopted by a majority of the 23847
board, may approve the exemption for the period or for the 23848

exemption percentage specified in the notice⁷ⁱ may disapprove the 23849
exemption for the number of years in excess of ten, may disapprove 23850
the exemption for the percentage of the improvement to be exempted 23851
in excess of seventy-five per cent, or both⁷ⁱ or may approve the 23852
exemption on the condition that the legislative authority and the 23853
board negotiate an agreement providing for compensation to the 23854
school district equal in value to a percentage of the amount of 23855
taxes exempted in the eleventh and subsequent years of the 23856
exemption period or, in the case of exemption percentages in 23857
excess of seventy-five per cent, compensation equal in value to a 23858
percentage of the taxes that would be payable on the portion of 23859
the improvement in excess of seventy-five per cent were that 23860
portion to be subject to taxation, or other mutually agreeable 23861
compensation. ~~The~~ 23862

(3) The board of education shall certify its resolution to 23863
the legislative authority not later than fourteen days prior to 23864
the date the legislative authority intends to adopt the ordinance 23865
as indicated in the notice. If the board of education and the 23866
legislative authority negotiate a mutually acceptable compensation 23867
agreement, the ordinance may declare the improvements a public 23868
purpose for the number of years specified in the ordinance or, in 23869
the case of exemption percentages in excess of seventy-five per 23870
cent, for the exemption percentage specified in the ordinance. In 23871
either case, if the board and the legislative authority fail to 23872
negotiate a mutually acceptable compensation agreement, the 23873
ordinance may declare the improvements a public purpose for not 23874
more than ten years, ~~but~~ and shall not exempt more than 23875
seventy-five per cent of the improvements from taxation. If the 23876
board fails to certify a resolution to the legislative authority 23877
within the time prescribed by this division, the legislative 23878
authority thereupon may adopt the ordinance and may declare the 23879
improvements a public purpose for up to thirty years, or, in the 23880
case of exemption percentages proposed in excess of seventy-five 23881

per cent, for the exemption percentage specified in the ordinance. 23882
The legislative authority may adopt the ordinance at any time 23883
after the board of education certifies its resolution approving 23884
the exemption to the legislative authority, or, if the board 23885
approves the exemption on the condition that a mutually acceptable 23886
compensation agreement be negotiated, at any time after the 23887
compensation agreement is agreed to by the board and the 23888
legislative authority. 23889

~~(3)~~(4) If a board of education has adopted a resolution 23890
waiving its right to approve exemptions from taxation under this 23891
section and the resolution remains in effect, approval of 23892
exemptions by the board is not required under ~~this~~ division (D) of 23893
this section. If a board of education has adopted a resolution 23894
allowing a legislative authority to deliver the notice required 23895
under division (D)~~(2)~~ of this section fewer than forty-five 23896
business days prior to the legislative authority's adoption of the 23897
ordinance, the legislative authority shall deliver the notice to 23898
the board not later than the number of days prior to such adoption 23899
as prescribed by the board in its resolution. If a board of 23900
education adopts a resolution waiving its right to approve 23901
agreements or shortening the notification period, the board shall 23902
certify a copy of the resolution to the legislative authority. If 23903
the board of education rescinds such a resolution, it shall 23904
certify notice of the rescission to the legislative authority. 23905

~~(4)~~(5) If the legislative authority is not required by 23906
division (D)~~(1), (2), or (3)~~ of this section to notify the board 23907
of education of the legislative authority's intent to declare 23908
improvements to be a public purpose, the legislative authority 23909
shall comply with the notice requirements imposed under section 23910
5709.83 of the Revised Code, unless the board has adopted a 23911
resolution under that section waiving its right to receive such a 23912
notice. 23913

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district ~~is or~~ will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, ~~or may accept either or both exemptions~~. If the board of county commissioners objects, the board may negotiate an agreement with the legislative authority that provides to the board compensation in the eleventh and subsequent years of the exemption period ~~compensation~~ equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that

portion to be subject to taxation. The board of county 23946
commissioners shall certify its resolution to the legislative 23947
authority not later than thirty days after receipt of the notice. 23948

(3) If the board of county commissioners does not object or 23949
fails to certify its resolution objecting to an exemption within 23950
thirty days after receipt of the notice, the legislative authority 23951
may adopt the ordinance, and no compensation shall be provided to 23952
the board of county commissioners. If the board timely certifies 23953
its resolution objecting to the ordinance, the legislative 23954
authority may adopt the ordinance at any time after the 23955
compensation agreement is agreed to by the board and the 23956
legislative authority, or, if no compensation agreement is 23957
negotiated, at any time after the legislative authority agrees to 23958
provide compensation to the board of fifty per cent of the taxes 23959
that would be payable to the county in the eleventh and subsequent 23960
years of the exemption period or on the portion of the improvement 23961
in excess of seventy-five per cent, were that portion to be 23962
subject to taxation. 23963

(F) ~~Any~~ If any of the following property tax levies that are 23964
~~enacted~~ passed, as an additional levy under any provision of the 23965
Revised Code or as a replacement of an existing levy under section 23966
5705.192 of the Revised Code, at an election held on or after 23967
January 1, 2006, and after the date an ordinance creating an 23968
incentive district is adopted on or after January 1, 2006, under 23969
division (C)(1) of this section ~~shall be levied on property that~~ 23970
~~was exempted from taxation,~~ the municipal corporation shall, 23971
within forty-five days after the settlement required under 23972
division (A) or (C) of section 321.24 of the Revised Code, provide 23973
compensation to the appropriate taxing authority equal to the 23974
amount of taxes that would have been payable to that taxing 23975
authority from the following levies were it not for the exemption 23976
authorized under division (C) of this section, ~~and revenues~~ 23977

collected from such levies shall not be used to provide service	23978
payments under this section:	23979
(1) A tax levied under division (L) of section 5705.19 <u>or</u>	23980
<u>section 5705.191</u> of the Revised Code for community mental	23981
retardation and developmental disabilities programs and services	23982
pursuant to Chapter 5126. of the Revised Code;	23983
(2) A tax levied under division (Y) of section 5705.19 of the	23984
Revised Code for providing or maintaining senior citizens services	23985
or facilities;	23986
(3) A tax levied under section 5705.22 of the Revised Code	23987
for county hospitals;	23988
(4) A tax levied <u>by a joint-county district or by a county</u>	23989
under section <u>5705.19, 5705.191, or 5705.221</u> of the Revised Code	23990
for alcohol, drug addiction, and mental health services;	23991
(5) A tax levied under section 5705.23 of the Revised Code	23992
for library purposes;	23993
(6) A tax levied under section 5705.24 of the Revised Code	23994
for the support of children services and the placement and care of	23995
children;	23996
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	23997
<u>Revised Code for the provision and maintenance of zoological park</u>	23998
<u>services and facilities under section 307.76 of the Revised Code;</u>	23999
<u>(8) A tax levied under section 511.27 or division (H) of</u>	24000
<u>section 5705.19 of the Revised Code for the support of township</u>	24001
<u>park districts;</u>	24002
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	24003
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	24004
<u>a joint recreation district organized pursuant to division (B) of</u>	24005
<u>section 755.14 of the Revised Code;</u>	24006
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	24007

Revised Code for park district purposes; 24008

(11) A tax levied under section 5705.191 of the Revised Code 24009
for the purpose of making appropriations for public assistance; 24010
human or social services; public relief; public welfare; public 24011
health and hospitalization; and support of general hospitals; 24012

(12) A tax levied under section 3709.29 of the Revised Code 24013
for a general health district program. 24014

(G) An exemption from taxation granted under this section 24015
commences with the tax year specified in the ordinance so long as 24016
the year specified in the ordinance commences after the effective 24017
date of the ordinance. If the ordinance specifies a year 24018
commencing before the effective date of the resolution or 24019
specifies no year whatsoever, the exemption commences with the tax 24020
year in which an exempted improvement first appears on the tax 24021
list and duplicate of real and public utility property and that 24022
commences after the effective date of the ordinance. Except as 24023
otherwise provided in this division, the exemption ends on the 24024
date specified in the ordinance as the date the improvement ceases 24025
to be a public purpose or the incentive district expires, or ends 24026
on the date on which the public infrastructure improvements and 24027
housing renovations are paid in full from the municipal public 24028
improvement tax increment equivalent fund established under 24029
division (A) of section 5709.43 of the Revised Code, whichever 24030
occurs first. The exemption of an improvement with respect to a 24031
parcel or within an incentive district may end on a later date, as 24032
specified in the ordinance, if the legislative authority and the 24033
board of education of the city, local, or exempted village school 24034
district within which the parcel or district is located have 24035
entered into a compensation agreement under section 5709.82 of the 24036
Revised Code with respect to the improvement ~~or district~~, and the 24037
board of education has approved the term of the exemption under 24038
division (D)(2) of this section, but in no case shall the 24039

improvement be exempted from taxation for more than thirty years. 24040
Exemptions shall be claimed and allowed in the same manner as in 24041
the case of other real property exemptions. If an exemption status 24042
changes during a year, the procedure for the apportionment of the 24043
taxes for that year is the same as in the case of other changes in 24044
tax exemption status during the year. 24045

(H) Additional municipal financing of public infrastructure 24046
improvements and housing renovations may be provided by any 24047
methods that the municipal corporation may otherwise use for 24048
financing such improvements or renovations. If the municipal 24049
corporation issues bonds or notes to finance the public 24050
infrastructure improvements and housing renovations and pledges 24051
money from the municipal public improvement tax increment 24052
equivalent fund to pay the interest on and principal of the bonds 24053
or notes, the bonds or notes are not subject to Chapter 133. of 24054
the Revised Code. 24055

(I) The municipal corporation, not later than fifteen days 24056
after the adoption of an ordinance under this section, shall 24057
submit to the director of development a copy of the ordinance. On 24058
or before the thirty-first day of March of each year, the 24059
municipal corporation shall submit a status report to the director 24060
of development. The report shall indicate, in the manner 24061
prescribed by the director, the progress of the project during 24062
each year that an exemption remains in effect, including a summary 24063
of the receipts from service payments in lieu of taxes; 24064
expenditures of money from the funds created under section 5709.43 24065
of the Revised Code; a description of the public infrastructure 24066
improvements and housing renovations financed with such 24067
expenditures; and a quantitative summary of changes in employment 24068
and private investment resulting from each project. 24069

(J) Nothing in this section shall be construed to prohibit a 24070
legislative authority from declaring to be a public purpose 24071

improvements with respect to more than one parcel.

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Sec. 5709.42. (A) A municipal corporation that has declared an improvement to be a public purpose under section 5709.40 or 5709.41 of the Revised Code may require the owner of any structure located on the parcel to make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payment of real property taxes. Each such payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the improvement if it were not exempt from taxation. If any reduction in the levies otherwise applicable to such exempt property is made by the county budget commission under section 5705.31 of the Revised Code, the amount of the service payment in lieu of taxes shall be calculated as if such reduction in levies had not been made.

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(B) Moneys collected as service payments in lieu of taxes shall be distributed at the same time and in the same manner as real property tax payments. However, subject to section 5709.913 of the Revised Code, the entire amount so collected shall be distributed to the municipal corporation in which the improvement is located. If an ordinance adopted under section 5709.40 or 5709.41 of the Revised Code specifies that service payments shall be paid to the city, local, or exempted village school district in which the improvements are located, the county treasurer shall distribute the portion of the service payments to that school district in an amount equal to the property tax payments the school district would have received from the portion of the improvements exempted from taxation had the improvements not been exempted, as directed in the ordinance. The treasurer shall maintain a record of the service payments in lieu of taxes made from property in each municipal corporation.

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(C) If annual service payments in lieu of taxes are required 24103
under this section, the county treasurer shall distribute to the 24104
appropriate taxing authorities the portion of the service payments 24105
that represents compensation payments required under division (F) 24106
of section 5709.40 of the Revised Code. 24107

(D) Nothing in this section or section 5709.40 or 5709.41 of 24108
the Revised Code affects the taxes levied against that portion of 24109
the value of any parcel of property that is not exempt from 24110
taxation. 24111

Sec. 5709.43. (A) A municipal corporation that grants a tax 24112
exemption under section 5709.40 of the Revised Code shall 24113
establish a municipal public improvement tax increment equivalent 24114
fund into which shall be deposited service payments in lieu of 24115
taxes distributed to the municipal corporation under section 24116
5709.42 of the Revised Code. If the legislative authority of the 24117
municipal corporation has adopted an ordinance under division (C) 24118
of section 5709.40 of the Revised Code, the municipal corporation 24119
shall establish at least one account in that fund with respect to 24120
ordinances adopted under division (B) of that section, and one 24121
account with respect to each incentive district created in an 24122
ordinance adopted under division (C) of that section. If an 24123
ordinance adopted under division (C) of section 5709.40 of the 24124
Revised Code also authorizes the use of service payments for 24125
housing renovations within the district, the municipal corporation 24126
shall establish separate accounts for the service payments 24127
designated for public infrastructure improvements and for the 24128
service payments authorized for the purpose of housing 24129
renovations. Money in an account of the municipal public 24130
improvement tax increment equivalent fund shall be used to finance 24131
the public infrastructure improvements designated in, or the 24132
housing renovations authorized by, the ordinance with respect to 24133

which the account is established; in the case of an account 24134
established with respect to an ordinance adopted under division 24135
(C) of that section, money in the account shall be used to finance 24136
the public infrastructure improvements designated, or the housing 24137
renovations authorized, for each incentive district created in the 24138
ordinance. Money in an account shall not be used to finance or 24139
support housing renovations that take place after the incentive 24140
district has expired. The municipal corporation also may deposit 24141
into any of those accounts municipal income tax revenue that has 24142
been designated by ordinance to finance the public infrastructure 24143
improvements and housing renovations. 24144

(B) A municipal corporation may establish an urban 24145
redevelopment tax increment equivalent fund, by resolution or 24146
ordinance of its legislative authority, into which shall be 24147
deposited service payments in lieu of taxes distributed to the 24148
municipal corporation by the county treasurer as provided in 24149
section 5709.42 of the Revised Code for improvements exempt from 24150
taxation pursuant to an ordinance adopted under section 5709.41 of 24151
the Revised Code. Moneys deposited in the urban redevelopment tax 24152
increment equivalent fund shall be used for such purposes as are 24153
authorized in the resolution or ordinance establishing the fund. 24154
The municipal corporation also may deposit into the urban 24155
redevelopment tax increment equivalent fund municipal income tax 24156
revenue that has been dedicated to fund any of the purposes for 24157
which the fund is established. 24158

(C)(1)(a) A municipal corporation ~~also~~ may distribute money 24159
in the municipal public improvement tax increment equivalent fund 24160
or the urban redevelopment tax increment equivalent fund to any 24161
school district in which the exempt property is located, in an 24162
amount not to exceed the amount of real property taxes that such 24163
school district would have received from the improvement if it 24164
were not exempt from taxation, or use money in either or both 24165

funds to finance specific public improvements benefiting the 24166
school district. The resolution or ordinance establishing the fund 24167
shall set forth the percentage of such maximum amount that will be 24168
distributed to any affected school district or used to finance 24169
specific public improvements benefiting the school district. 24170

(b) A municipal corporation also may distribute money in the 24171
municipal public improvement tax increment equivalent fund or the 24172
urban redevelopment tax increment equivalent fund as follows: 24173

(i) To a board of county commissioners, in the amount that is 24174
owed to the board pursuant to division (E) of section 5709.40 of 24175
the Revised Code; 24176

(ii) To a county in accordance with section 5709.913 of the 24177
Revised Code. 24178

(2) Money from an account in a municipal public improvement 24179
tax increment equivalent fund or from an urban redevelopment tax 24180
increment equivalent fund may be distributed under division 24181
(C)(1)(b) of this section, regardless of the date a resolution or 24182
an ordinance was adopted under section 5709.40 or 5709.41 of the 24183
Revised Code that prompted the establishment of the account or the 24184
establishment of the urban redevelopment tax increment equivalent 24185
fund, even if the resolution or ordinance was adopted prior to the 24186
effective date of this amendment. 24187

(D) Any incidental surplus remaining in the municipal public 24188
improvement tax increment equivalent fund or an account of that 24189
fund, or in the urban redevelopment tax increment equivalent fund, 24190
upon dissolution of the account or fund shall be transferred to 24191
the general fund of the municipal corporation. 24192

Sec. 5709.73. (A) As used in this section and section 5709.74 24193
of the Revised Code: 24194

(1) "Business day" means a day of the week excluding 24195

Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 24196
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(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. 24198
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(3) "Housing renovation" means a project carried out for residential purposes. 24206
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(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township. 24208
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(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 24211
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(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except as otherwise provided in division (D) of this section, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements. The resolution shall specify the percentage of the further improvements to be exempted. 24213
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(C)(1) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (F) of this section, exempt 24223
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from taxation as provided in this section, but no board of township trustees of a township that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district if, ~~as a result of adopting the resolution, more than~~ the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the township that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the ~~township's taxable value, as of the first day of January of the year in which the resolution takes effect, is subject to exemption because of an incentive district. The twenty five per cent limitation does not apply to an incentive district that was created by a resolution adopted prior to January 1, 2006, unless the board creates an additional incentive district after that date~~ taxable value of real property in the township for the preceding tax year. The district shall be located within the unincorporated area of the township and shall not include any territory that is included within a district created under division (B) of section 5709.78 of the Revised Code. The resolution shall delineate the boundary of the district and specifically identify each parcel within the district. A district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more than one district, and more than one resolution may be adopted under division (C)(1) of this section.

(2) Not later than thirty days prior to adopting a resolution under division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the

Revised Code on behalf of owners of real property located within
the proposed incentive district, the board shall conduct a public
hearing on the proposed resolution. Not later than thirty days
prior to the public hearing, the board shall give notice of the
public hearing and the proposed resolution by first class mail to
every real property owner whose property is located within the
boundaries of the proposed incentive district that is the subject
of the proposed resolution.

(3)(a) A resolution under division (C)(1) of this section
shall specify the life of the district and the percentage of the
improvements to be exempted, shall designate the public
infrastructure improvements made, to be made, or in the process of
being made, that benefit or serve, or, once made, will benefit or
serve parcels in the district. The resolution also shall identify
one or more specific projects being, or to be, undertaken in the
district that place additional demand on the public infrastructure
improvements designated in the resolution. The project identified
may, but need not be, the project under division (C)(3)(b) of this
section that places real property in use for commercial or
industrial purposes.

A resolution adopted under division (C)(1) of this section on
or after the effective date of this amendment shall not designate
police or fire equipment as public infrastructure improvements,
and no service payment provided for in section 5709.74 of the
Revised Code and received by the township under the resolution
shall be used for police or fire equipment.

(b) A resolution adopted under division (C)(1) of this
section may authorize the use of service payments provided for in
section 5709.74 of the Revised Code for the purpose of housing
renovations within the district, provided that the resolution also
designates public infrastructure improvements that benefit or
serve the district, and that a project within the district places

real property in use for commercial or industrial purposes. 24291
Service payments may be used to finance or support loans, deferred 24292
loans, and grants to persons for the purpose of housing 24293
renovations within the district. The resolution shall designate 24294
the parcels within the district that are eligible for housing 24295
renovations. The resolution shall state separately the amount or 24296
the percentages of the expected aggregate service payments that 24297
are designated for each public infrastructure improvement and for 24298
the purpose of housing renovations. 24299

(4) Except with the approval of the board of education of 24300
each city, local, or exempted village school district within the 24301
territory of which the district is or will be located, and subject 24302
to division (E) of this section, the life of an incentive district 24303
shall not exceed ten years, and the percentage of improvements to 24304
be exempted shall not exceed seventy-five per cent. With approval 24305
of the board of education, the life of a district may be not more 24306
than thirty years, and the percentage of improvements to be 24307
exempted may be not more than one hundred per cent. 24308

(5) Approval of a board of education shall be obtained in the 24309
manner provided in division (D) of this section for exemptions 24310
under division (B) of this section, except that the notice to the 24311
board of education shall delineate the boundaries of the district, 24312
specifically identify each parcel within the district, identify 24313
each anticipated improvement in the district, provide an estimate 24314
of the true value in money of each such improvement, specify the 24315
life of the district and the percentage of improvements that would 24316
be exempted, and indicate the date on which the board of township 24317
trustees intends to adopt the resolution. 24318

(D) Improvements with respect to a parcel may be exempted 24319
from taxation under division (B) of this section for up to ten 24320
years or, with the approval of the board of education of the city, 24321
local, or exempted village school district within which the parcel 24322

is located, for up to thirty years. The percentage of the 24323
improvements exempted from taxation may, with such approval, 24324
exceed seventy-five per cent, but shall not exceed one hundred per 24325
cent. Not later than forty-five business days prior to adopting a 24326
resolution under this section declaring improvements to be a 24327
public purpose that is subject to approval by a board of education 24328
under this division, the board of trustees shall deliver to the 24329
board of education a notice stating its intent to adopt a 24330
resolution making that declaration. The notice shall identify the 24331
parcels for which improvements are to be exempted from taxation, 24332
provide an estimate of the true value in money of the 24333
improvements, specify the period for which the improvements would 24334
be exempted from taxation and the percentage of the improvements 24335
that would be exempted, and indicate the date on which the board 24336
of trustees intends to adopt the resolution. The board of 24337
education, by resolution adopted by a majority of the board, may 24338
approve the exemption for the period or for the exemption 24339
percentage specified in the notice, may disapprove the exemption 24340
for the number of years in excess of ten, may disapprove the 24341
exemption for the percentage of the improvements to be exempted in 24342
excess of seventy-five per cent, or both, or may approve the 24343
exemption on the condition that the board of trustees and the 24344
board of education negotiate an agreement providing for 24345
compensation to the school district equal in value to a percentage 24346
of the amount of taxes exempted in the eleventh and subsequent 24347
years of the exemption period or, in the case of exemption 24348
percentages in excess of seventy-five per cent, compensation equal 24349
in value to a percentage of the taxes that would be payable on the 24350
portion of the improvements in excess of seventy-five per cent 24351
were that portion to be subject to taxation, or other mutually 24352
agreeable compensation. The board of education shall certify its 24353
resolution to the board of trustees not later than fourteen days 24354
prior to the date the board of trustees intends to adopt the 24355

resolution as indicated in the notice. If the board of education
and the board of trustees negotiate a mutually acceptable
compensation agreement, the resolution may declare the
improvements a public purpose for the number of years specified in
the resolution or, in the case of exemption percentages in excess
of seventy-five per cent, for the exemption percentage specified
in the resolution. In either case, if the board of education and
the board of trustees fail to negotiate a mutually acceptable
compensation agreement, the resolution may declare the
improvements a public purpose for not more than ten years, but
shall not exempt more than seventy-five per cent of the
improvements from taxation. If the board of education fails to
certify a resolution to the board of trustees within the time
prescribed by this section, the board of trustees thereupon may
adopt the resolution and may declare the improvements a public
purpose for up to thirty years or, in the case of exemption
percentages proposed in excess of seventy-five per cent, for the
exemption percentage specified in the resolution. The board of
township trustees may adopt the resolution at any time after the
board of education certifies its resolution approving the
exemption to the board of township trustees, or, if the board of
education approves the exemption on the condition that a mutually
acceptable compensation agreement be negotiated, at any time after
the compensation agreement is agreed to by the board of education
and the board of township trustees.

If a board of education has adopted a resolution waiving its
right to approve exemptions from taxation and the resolution
remains in effect, approval of such exemptions by the board of
education is not required under this division. If a board of
education has adopted a resolution allowing a board of township
trustees to deliver the notice required under this division fewer
than forty-five business days prior to adoption of the resolution

by the board of township trustees, the board of township trustees 24388
shall deliver the notice to the board of education not later than 24389
the number of days prior to the adoption as prescribed by the 24390
board of education in its resolution. If a board of education 24391
adopts a resolution waiving its right to approve exemptions or 24392
shortening the notification period, the board of education shall 24393
certify a copy of the resolution to the board of township 24394
trustees. If the board of education rescinds the resolution, it 24395
shall certify notice of the rescission to the board of township 24396
trustees. 24397

If the board of trustees is not required by this division to 24398
notify the board of education of the board of trustees' intent to 24399
declare improvements to be a public purpose, the board of trustees 24400
shall comply with the notice requirements imposed under section 24401
5709.83 of the Revised Code before taking formal action to adopt 24402
the resolution making that declaration, unless the board of 24403
education has adopted a resolution under that section waiving its 24404
right to receive the notice. 24405

(E)(1) If a proposed resolution under division (C)(1) of this 24406
section exempts improvements with respect to a parcel for more 24407
than ten years, or the percentage of the improvement exempted from 24408
taxation exceeds seventy-five per cent, not later than forty-five 24409
business days prior to adopting the ordinance the board of 24410
township trustees shall deliver to the board of county 24411
commissioners of the county within which the incentive district is 24412
or will be located a notice that states its intent to adopt a 24413
resolution creating an incentive district. The notice shall 24414
include a copy of the proposed resolution, identify the parcels 24415
for which improvements are to be exempted from taxation, provide 24416
an estimate of the true value in money of the improvements, 24417
specify the period of time for which the improvements would be 24418
exempted from taxation, specify the percentage of the improvements 24419

that would be exempted from taxation, and indicate the date on 24420
which the board of township trustees intends to adopt the 24421
resolution. 24422

(2) The board of county commissioners, by resolution adopted 24423
by a majority of the board, may object to the exemption for the 24424
number of years in excess of ten, may object to the exemption for 24425
the percentage of the improvement to be exempted in excess of 24426
seventy-five per cent, or both, ~~or may accept either or both~~ 24427
~~exemptions~~. If the board of county commissioners objects, the 24428
board may negotiate an agreement with the board of township 24429
trustees that provides to the board of county commissioners 24430
compensation in the eleventh and subsequent years of the exemption 24431
period ~~compensation~~ equal in value to not more than fifty per cent 24432
of the taxes that would be payable to the county or, if the board 24433
of county commissioner's objection includes an objection to an 24434
exemption percentage in excess of seventy-five per cent, 24435
compensation equal in value to not more than fifty per cent of the 24436
taxes that would be payable to the county, on the portion of the 24437
improvement in excess of seventy-five per cent, were that portion 24438
to be subject to taxation. The board of county commissioners shall 24439
certify its resolution to the board of township trustees not later 24440
than thirty days after receipt of the notice. 24441

(3) If the board of county commissioners does not object or 24442
fails to certify its resolution objecting to an exemption within 24443
thirty days after receipt of the notice, the board of township 24444
trustees may adopt its resolution, and no compensation shall be 24445
provided to the board of county commissioners. If the board of 24446
county commissioners timely certifies its resolution objecting to 24447
the trustees' resolution, the board of township trustees may adopt 24448
its resolution at any time after the compensation agreement is 24449
agreed to by the board of county commissioners and the board of 24450
township trustees, or, if no compensation agreement is negotiated, 24451

at any time after the board of township trustees agrees to provide 24452
compensation to the board of county commissioners of fifty per 24453
cent of the taxes that would be payable to the county in the 24454
eleventh and subsequent years of the exemption period or on the 24455
portion of the improvement in excess of seventy-five per cent, 24456
were that portion to be subject to taxation. 24457

(F) ~~Any~~ If any of the following property tax levies that are 24458
~~enacted~~ passed, as an additional levy under any provision of the 24459
Revised Code or as a replacement of an existing levy under section 24460
5705.192 of the Revised Code, at an election held on or after 24461
January 1, 2006, and after the date ~~an ordinance~~ a resolution 24462
creating an incentive district is adopted on or after January 1, 24463
2006, under division (C)(1) of this section ~~shall be levied on~~ 24464
~~property that was exempted from taxation, the township shall,~~ 24465
within forty-five days after the settlement required under 24466
division (A) or (C) of section 321.24 of the Revised Code, provide 24467
compensation to the appropriate taxing authority equal to the 24468
amount of taxes that would have been payable to that taxing 24469
authority from the following levies were it not for the exemption 24470
authorized under division (C) of this section ~~and revenues~~ 24471
~~collected from such levies shall not be used to provide service~~ 24472
~~payments under this section:~~ 24473

(1) A tax levied under division (L) of section 5705.19 or 24474
section 5705.191 of the Revised Code for community mental 24475
retardation and developmental disabilities programs and services 24476
pursuant to Chapter 5126. of the Revised Code; 24477

(2) A tax levied under division (Y) of section 5705.19 of the 24478
Revised Code for providing or maintaining senior citizens services 24479
or facilities; 24480

(3) A tax levied under section 5705.22 of the Revised Code 24481
for county hospitals; 24482

(4) A tax levied <u>by a joint-county district or by a county</u>	24483
under section <u>5705.19, 5705.191, or 5705.221</u> of the Revised Code	24484
for alcohol, drug addiction, and mental health services;	24485
(5) A tax levied under section 5705.23 of the Revised Code	24486
for library purposes;	24487
(6) A tax levied under section 5705.24 of the Revised Code	24488
for the support of children services and the placement and care of	24489
children;	24490
<u>(7) A tax levied under division (Z) of section 5705.19 of the</u>	24491
<u>Revised Code for the provision and maintenance of zoological park</u>	24492
<u>services and facilities under section 307.76 of the Revised Code;</u>	24493
<u>(8) A tax levied under section 511.27 or division (H) of</u>	24494
<u>section 5705.19 of the Revised Code for the support of township</u>	24495
<u>park districts;</u>	24496
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	24497
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	24498
<u>a joint recreation district organized pursuant to division (B) of</u>	24499
<u>section 755.14 of the Revised Code;</u>	24500
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	24501
<u>Revised Code for park district purposes;</u>	24502
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	24503
<u>for the purpose of making appropriations for public assistance;</u>	24504
<u>human or social services; public relief; public welfare; public</u>	24505
<u>health and hospitalization; and support of general hospitals;</u>	24506
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	24507
<u>for a general health district program.</u>	24508
(G) An exemption from taxation granted under this section	24509
commences with the tax year specified in the resolution that	24510
begins <u>so long as the year specified in the resolution commences</u>	24511
after the effective date of the resolution. <u>If the resolution</u>	24512

specifies a year commencing before the effective date of the 24513
resolution or specifies no year whatsoever, the exemption 24514
commences with the tax year in which an exempted improvement first 24515
appears on the tax list and duplicate of real and public utility 24516
property and that commences after the effective date of the 24517
resolution. Except as otherwise provided in this division, the 24518
exemption ends on the date specified in the resolution as the date 24519
the improvement ceases to be a public purpose or the incentive 24520
district expires, or ends on the date on which the public 24521
infrastructure improvements and housing renovations are paid in 24522
full from the township public improvement tax increment equivalent 24523
fund established under section 5709.75 of the Revised Code, 24524
whichever occurs first. The exemption of an improvement with 24525
respect to a parcel may end on a later date, as specified in the 24526
resolution, if the board of township trustees and the board of 24527
education of the city, local, or exempted village school district 24528
within which the parcel is located have entered into a 24529
compensation agreement under section 5709.82 of the Revised Code 24530
with respect to the improvement or district and the board of 24531
education has approved the term of the exemption under division 24532
(D) of this section, but in no case shall the improvement be 24533
exempted from taxation for more than thirty years. The board of 24534
township trustees may, by majority vote, adopt a resolution 24535
permitting the township to enter into such agreements as the board 24536
finds necessary or appropriate to provide for the construction or 24537
undertaking of public infrastructure improvements and housing 24538
renovations. Any exemption shall be claimed and allowed in the 24539
same or a similar manner as in the case of other real property 24540
exemptions. If an exemption status changes during a tax year, the 24541
procedure for the apportionment of the taxes for that year is the 24542
same as in the case of other changes in tax exemption status 24543
during the year. 24544

(H) The board of township trustees may issue the notes of the 24545

township to finance all costs pertaining to the construction or 24546
undertaking of public infrastructure improvements and housing 24547
renovations made pursuant to this section. The notes shall be 24548
signed by the board and attested by the signature of the township 24549
fiscal officer, shall bear interest not to exceed the rate 24550
provided in section 9.95 of the Revised Code, and are not subject 24551
to Chapter 133. of the Revised Code. The resolution authorizing 24552
the issuance of the notes shall pledge the funds of the township 24553
public improvement tax increment equivalent fund established 24554
pursuant to section 5709.75 of the Revised Code to pay the 24555
interest on and principal of the notes. The notes, which may 24556
contain a clause permitting prepayment at the option of the board, 24557
shall be offered for sale on the open market or given to the 24558
vendor or contractor if no sale is made. 24559

(I) The township, not later than fifteen days after the 24560
adoption of a resolution under this section, shall submit to the 24561
director of development a copy of the resolution. On or before the 24562
thirty-first day of March of each year, the township shall submit 24563
a status report to the director of development. The report shall 24564
indicate, in the manner prescribed by the director, the progress 24565
of the project during each year that the exemption remains in 24566
effect, including a summary of the receipts from service payments 24567
in lieu of taxes; expenditures of money from funds created under 24568
section 5709.75 of the Revised Code; a description of the public 24569
infrastructure improvements and housing renovations financed with 24570
the expenditures; and a quantitative summary of changes in private 24571
investment resulting from each project. 24572

(J) Nothing in this section shall be construed to prohibit a 24573
board of township trustees from declaring to be a public purpose 24574
improvements with respect to more than one parcel. 24575

(K) A board of township trustees that adopted a resolution 24576
under this section prior to July 21, 1994, may amend that 24577

resolution to include any additional public infrastructure 24578
improvement. A board of township trustees that seeks by the 24579
amendment to utilize money from its township public improvement 24580
tax increment equivalent fund for land acquisition in aid of 24581
industry, commerce, distribution, or research, demolition on 24582
private property, or stormwater and flood remediation projects may 24583
do so provided that the board currently is a party to a 24584
hold-harmless agreement with the board of education of the city, 24585
local, or exempted village school district within the territory of 24586
which are located the parcels that are subject to an exemption. 24587
For the purposes of this division, a "hold-harmless agreement" 24588
means an agreement under which the board of township trustees 24589
agrees to compensate the school district for one hundred per cent 24590
of the tax revenue that the school district would have received 24591
from further improvements to parcels designated in the resolution 24592
were it not for the exemption granted by the resolution. 24593

Sec. 5709.74. (A) A township that has declared an improvement 24594
to be a public purpose under section 5709.73 of the Revised Code 24595
may require the owner of the parcel to make annual service 24596
payments in lieu of taxes to the county treasurer on or before the 24597
final dates for payment of real property taxes. Each payment shall 24598
be charged and collected in the same manner and in the same amount 24599
as the real property taxes that would have been charged and 24600
payable against any improvement made on the parcel if it were not 24601
exempt from taxation. If any reduction in the levies otherwise 24602
applicable to the exempt property is made by the county budget 24603
commission under section 5705.31 of the Revised Code, the amount 24604
of the service payment in lieu of taxes shall be calculated as if 24605
a reduction in levies had not been made. A township shall not 24606
require an owner to make annual service payments in lieu of taxes 24607
pursuant to this section after the date on which the township has 24608
been paid back in full for the public infrastructure improvements 24609

made pursuant to sections 5709.73 to 5709.75 of the Revised Code. 24610

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(B) Moneys collected as service payments in lieu of taxes 24612

shall be distributed at the same time and in the same manner as 24613

real property tax payments. However, subject to section 5709.913 24614

of the Revised Code, the entire amount so collected shall be 24615

distributed to the township in which the improvement is located. 24616

If a parcel upon which moneys are collected as service payments in 24617

lieu of taxes is annexed to a municipal corporation, the service 24618

payments shall continue to be collected and distributed to the 24619

township in which the parcel was located before its annexation 24620

until the township is paid back in full for the cost of any public 24621

infrastructure improvements it made on the parcel. The treasurer 24622

shall maintain a record of the service payments in lieu of taxes 24623

made from property in each township. 24624

(C) If annual service payments in lieu of taxes are required 24625

under this section, the county treasurer shall distribute to the 24626

appropriate taxing authorities the portion of the service payments 24627

that represent compensation payments required under division (F) 24628

of section 5709.73 of the Revised Code. 24629

(D) Nothing in this section or section 5709.73 of the Revised 24630

Code affects the taxes levied against that portion of the value of 24631

any parcel of property that is not exempt from taxation. 24632

Sec. 5709.75. (A) Any township that receives service payments 24633

in lieu of taxes under section 5709.74 of the Revised Code shall 24634

establish a township public improvement tax increment equivalent 24635

fund into which those payments shall be deposited. If the board of 24636

township trustees has adopted a resolution under division (C) of 24637

section 5709.73 of the Revised Code, the township shall establish 24638

at least one account in that fund with respect to resolutions 24639

adopted under division (B) of that section, and one account with 24640

respect to each incentive district created by a resolution adopted 24641
under division (C) of that section. If a resolution adopted under 24642
division (C) of section 5709.73 of the Revised Code also 24643
authorizes the use of service payments for housing renovations 24644
within the incentive district, the township shall establish 24645
separate accounts for the service payments designated for public 24646
infrastructure improvements and for the service payments 24647
authorized for the purpose of housing renovations. 24648

(B) Except as otherwise provided in division (C) or (D) of 24649
this section, money deposited in an account of the township public 24650
improvement tax increment equivalent fund shall be used by the 24651
township to pay the costs of public infrastructure improvements 24652
designated in or the housing renovations authorized by the 24653
resolution with respect to which the account is established, 24654
including any interest on and principal of the notes; in the case 24655
of an account established with respect to a resolution adopted 24656
under division (C) of that section, money in the account shall be 24657
used to finance the public infrastructure improvements designated, 24658
or the housing renovations authorized, for each incentive district 24659
created in the resolution. Money in an account shall not be used 24660
to finance or support housing renovations that take place after 24661
the incentive district has expired. 24662

(C)(1)(a) A township may ~~also~~ distribute money in such an 24663
account to any school district in which the exempt property is 24664
located in an amount not to exceed the amount of real property 24665
taxes that such school district would have received from the 24666
improvement if it were not exempt from taxation. The resolution 24667
establishing the fund shall set forth the percentage of such 24668
maximum amount that will be distributed to any affected school 24669
district. 24670

(b) A township also may distribute money in such an account 24671
as follows: 24672

(i) To a board of county commissioners, in the amount that is owed to the board pursuant to division (E) of section 5709.73 of the Revised Code; 24673
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24675

(ii) To a county in accordance with section 5709.913 of the Revised Code. 24676
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(2) Money from an account in a township public improvement tax increment equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution was adopted under section 5709.73 of the Revised Code that prompted the establishment of the account, even if the resolution was adopted prior to the effective date of this amendment. 24678
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(D) On or before January 1, 2007, a board of township trustees that adopted a resolution under division (B) of section 5709.73 of the Revised Code before January 1, 1995, and that, with respect to property exempted under such a resolution, is party to a hold-harmless agreement, may appropriate and expend unencumbered money in the fund to pay current public safety expenses of the township. A township appropriating and expending money under this division shall reimburse the fund for the sum so appropriated and expended not later than the day the exemption granted under the resolution expires. For the purposes of this division, a "hold-harmless agreement" is an agreement with the board of education of a city, local, or exempted village school district under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue the school district would have received from improvements to parcels designated in the resolution were it not for the exemption granted by the resolution. 24684
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(E) Any incidental surplus remaining in the township public improvement tax increment equivalent fund or an account of that fund upon dissolution of the account or fund shall be transferred 24701
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to the general fund of the township.

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Sec. 5709.78. (A) A board of county commissioners may, by resolution, declare improvements to certain parcels of real property located in the unincorporated territory of the county to be a public purpose. ~~Except as otherwise provided in~~ with the approval under division (C) of this section of the board of education of each city, local, or exempted village school district within which the improvements are located, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation, for a period of not more than ten years. The resolution shall specify the percentage of the improvement to be exempted and the life of the exemption.

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A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution, or as provided in section 5709.80 of the Revised Code.

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(B)(1) A board of county commissioners may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (E) of this section, exempt from taxation as provided in this section, but no board of county commissioners of a county that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt a resolution that creates an incentive district ~~if, as a result of adopting the resolution, more than~~ the sum of the taxable value of

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~~real property in the proposed district for the preceding tax year~~ 24735
~~and the taxable value of all real property in the county that~~ 24736
~~would have been taxable in the preceding year were it not for the~~ 24737
~~fact that the property was in an existing incentive district and~~ 24738
~~therefore exempt from taxation exceeds~~ twenty-five per cent of the 24739
~~county's taxable value, as of the first day of January of the year~~ 24740
~~in which the resolution takes effect, is subject to exemption~~ 24741
~~because of an incentive district. The twenty five per cent~~ 24742
~~limitation does not apply to an incentive district that was~~ 24743
~~created by a resolution adopted prior to January 1, 2006, unless~~ 24744
~~the board creates an additional incentive district after that date~~ 24745
~~taxable value of real property in the county for the preceding tax~~ 24746
year. The district shall be located within the unincorporated 24747
territory of the county and shall not include any territory that 24748
is included within a district created under division (C) of 24749
section 5709.73 of the Revised Code. The resolution shall 24750
delineate the boundary of the district and specifically identify 24751
each parcel within the district. A district may not include any 24752
parcel that is or has been exempted from taxation under division 24753
(A) of this section or that is or has been within another district 24754
created under this division. A resolution may create more than one 24755
such district, and more than one resolution may be adopted under 24756
division (B)(1) of this section. 24757

(2) Not later than thirty days prior to adopting a resolution 24758
under division (B)(1) of this section, if the county intends to 24759
apply for exemptions from taxation under section 5709.911 of the 24760
Revised Code on behalf of owners of real property located within 24761
the proposed incentive district, the board of county commissioners 24762
shall conduct a public hearing on the proposed resolution. Not 24763
later than thirty days prior to the public hearing, the board 24764
shall give notice of the public hearing and the proposed 24765
resolution by first class mail to every real property owner whose 24766
property is located within the boundaries of the proposed 24767

incentive district that is the subject of the proposed resolution. 24768
The board also shall provide the notice by first class mail to the 24769
clerk of each township in which the proposed incentive district 24770
will be located. 24771

(3)(a) A resolution adopted under division (B)(1) of this 24772
section shall specify the life of the incentive district and the 24773
percentage of the improvements to be exempted, shall designate the 24774
public infrastructure improvements made, to be made, or in the 24775
process of being made, that benefit or serve, or, once made, will 24776
benefit or serve parcels in the district. The resolution also 24777
shall identify one or more specific projects being, or to be, 24778
undertaken in the district that place additional demand on the 24779
public infrastructure improvements designated in the resolution. 24780
The project identified may, but need not be, the project under 24781
division (B)(3)(b) of this section that places real property in 24782
use for commercial or industrial purposes. 24783

A resolution adopted under division (B)(1) of this section on 24784
or after the effective date of this amendment shall not designate 24785
police or fire equipment as public infrastructure improvements, 24786
and no service payment provided for in section 5709.79 of the 24787
Revised Code and received by the county under the resolution shall 24788
be used for police or fire equipment. 24789

(b) A resolution adopted under division (B)(1) of this 24790
section may authorize the use of service payments provided for in 24791
section 5709.79 of the Revised Code for the purpose of housing 24792
renovations within the incentive district, provided that the 24793
resolution also designates public infrastructure improvements that 24794
benefit or serve the district, and that a project within the 24795
district places real property in use for commercial or industrial 24796
purposes. Service payments may be used to finance or support 24797
loans, deferred loans, and grants to persons for the purpose of 24798
housing renovations within the district. The resolution shall 24799

designate the parcels within the district that are eligible for 24800
housing renovations. The resolution shall state separately the 24801
amount or the percentages of the expected aggregate service 24802
payments that are designated for each public infrastructure 24803
improvement and for the purpose of housing renovations. 24804

(4) Except with the approval of the board of education of 24805
each city, local, or exempted village school district within the 24806
territory of which the incentive district is or will be located, 24807
and subject to division (D) of this section, the life of an 24808
incentive district shall not exceed ten years, and the percentage 24809
of improvements to be exempted shall not exceed seventy-five per 24810
cent. With approval of the board of education, the life of a 24811
district may be not more than thirty years, and the percentage of 24812
improvements to be exempted may be not more than one hundred per 24813
cent. The approval 24814

~~(5) Approval of a board of education shall be obtained in the 24815
manner provided in division (C) of this section for exemptions 24816
under division (A) of this section, except that the notice to the 24817
board of education shall delineate the boundaries of the district, 24818
specifically identify each parcel within the district, identify 24819
each anticipated improvement in the district, provide an estimate 24820
of the true value in money of each such improvement, specify the 24821
life of the district and the percentage of improvements that would 24822
be exempted, and indicate the date on which the board of county 24823
commissioners intends to adopt the resolution. 24824~~

(C)(1) Improvements with respect to a parcel may be exempted 24825
from taxation under division (A) of this section, and improvements 24826
to parcels within an incentive district may be exempted from 24827
taxation under division (B) of this section, for up to ten years 24828
or, with the approval of the board of education of the city, 24829
local, or exempted village school district within which the parcel 24830
or district is located, for up to thirty years. The percentage of 24831

the improvements exempted from taxation may, with such approval, 24832
exceed seventy-five per cent, but shall not exceed one hundred per 24833
cent. Not later than forty-five business days prior to adopting a 24834
resolution under this section declaring improvements to be a 24835
public purpose that is subject to the approval of a board of 24836
education under this division, the board of county commissioners 24837
shall deliver to the board of education a notice stating its 24838
intent to adopt a resolution making that declaration. The notice 24839
regarding improvements with respect to a parcel under division (A) 24840
of this section shall identify the parcels for which improvements 24841
are to be exempted from taxation, provide an estimate of the true 24842
value in money of the improvements, specify the period for which 24843
the improvements would be exempted from taxation and the 24844
percentage of the improvements that would be exempted, and 24845
indicate the date on which the board of county commissioners 24846
intends to adopt the resolution. The notice regarding improvements 24847
to parcels within an incentive district under division (B) of this 24848
section shall delineate the boundaries of the district, 24849
specifically identify each parcel within the district, identify 24850
each anticipated improvement in the district, provide an estimate 24851
of the true value in money of each such improvement, specify the 24852
life of the district and the percentage of improvements that would 24853
be exempted, and indicate the date on which the board of county 24854
commissioners intends to adopt the resolution. The board of 24855
education, by resolution adopted by a majority of the board, may 24856
approve the exemption for the period or for the exemption 24857
percentage specified in the notice; i may disapprove the exemption 24858
for the number of years in excess of ten, may disapprove the 24859
exemption for the percentage of the improvements to be exempted in 24860
excess of seventy-five per cent, or both; i or may approve the 24861
exemption on the condition that the board of county commissioners 24862
and the board of education negotiate an agreement providing for 24863
compensation to the school district equal in value to a percentage 24864

of the amount of taxes exempted in the eleventh and subsequent 24865
years of the exemption period or, in the case of exemption 24866
percentages in excess of seventy-five per cent, compensation equal 24867
in value to a percentage of the taxes that would be payable on the 24868
portion of the improvements in excess of seventy-five per cent 24869
were that portion to be subject to taxation, or other mutually 24870
agreeable compensation. ~~The~~ 24871

(2) The board of education shall certify its resolution to 24872
the board of county commissioners not later than fourteen days 24873
prior to the date the board of county commissioners intends to 24874
adopt its resolution as indicated in the notice. If the board of 24875
education and the board of county commissioners negotiate a 24876
mutually acceptable compensation agreement, the resolution of the 24877
board of county commissioners may declare the improvements a 24878
public purpose for the number of years specified in that 24879
resolution or, in the case of exemption percentages in excess of 24880
seventy-five per cent, for the exemption percentage specified in 24881
the resolution. In either case, if the board of education and the 24882
board of county commissioners fail to negotiate a mutually 24883
acceptable compensation agreement, the resolution may declare the 24884
improvements a public purpose for not more than ten years, ~~but~~ and 24885
shall not exempt more than seventy-five per cent of the 24886
improvements from taxation. If the board of education fails to 24887
certify a resolution to the board of county commissioners within 24888
the time prescribed by this section, the board of county 24889
commissioners thereupon may adopt the resolution and may declare 24890
the improvements a public purpose for up to thirty years or, in 24891
the case of exemption percentages proposed in excess of 24892
seventy-five per cent, for the exemption percentage specified in 24893
the resolution. The board of county commissioners may adopt the 24894
resolution at any time after the board of education certifies its 24895
resolution approving the exemption to the board of county 24896
commissioners, or, if the board of education approves the 24897

exemption on the condition that a mutually acceptable compensation 24898
agreement be negotiated, at any time after the compensation 24899
agreement is agreed to by the board of education and the board of 24900
county commissioners. 24901

~~(2)~~(3) If a board of education has adopted a resolution 24902
waiving its right to approve exemptions from taxation under this 24903
section and the resolution remains in effect, approval of such 24904
exemptions by the board of education is not required under 24905
division (C)~~(1)~~ of this section. If a board of education has 24906
adopted a resolution allowing a board of county commissioners to 24907
deliver the notice required under division (C)~~(1)~~ of this section 24908
fewer than forty-five business days prior to approval of the 24909
resolution by the board of county commissioners, the board of 24910
county commissioners shall deliver the notice to the board of 24911
education not later than the number of days prior to such approval 24912
as prescribed by the board of education in its resolution. If a 24913
board of education adopts a resolution waiving its right to 24914
approve exemptions or shortening the notification period, the 24915
board of education shall certify a copy of the resolution to the 24916
board of county commissioners. If the board of education rescinds 24917
such a resolution, it shall certify notice of the rescission to 24918
the board of county commissioners. 24919

(D)(1) If a proposed resolution under division (B)(1) of this 24920
section exempts improvements with respect to a parcel within an 24921
incentive district for more than ten years, or the percentage of 24922
the improvement exempted from taxation exceeds seventy-five per 24923
cent, not later than forty-five business days prior to adopting 24924
the ~~ordinance~~ resolution the board of county commissioners shall 24925
deliver to the board of township trustees of any township ~~or~~ 24926
~~legislative authority of any municipal corporation~~ within which 24927
the incentive district is or will be located a notice that states 24928
its intent to adopt a resolution creating an incentive district. 24929

The notice shall include a copy of the proposed resolution, 24930
identify the parcels for which improvements are to be exempted 24931
from taxation, provide an estimate of the true value in money of 24932
the improvements, specify the period of time for which the 24933
improvements would be exempted from taxation, specify the 24934
percentage of the improvements that would be exempted from 24935
taxation, and indicate the date on which the board intends to 24936
adopt the resolution. 24937

(2) The board of township trustees ~~or legislative authority~~ 24938
~~of the municipal corporation, or both,~~ by resolution adopted by a 24939
majority of the board, may object to the exemption for the number 24940
of years in excess of ten, may object to the exemption for the 24941
percentage of the improvement to be exempted in excess of 24942
seventy-five per cent, or both, ~~or may accept either or both~~ 24943
~~exemptions.~~ If the board of township trustees ~~or legislative~~ 24944
~~authority, or both,~~ objects, the board of township trustees ~~or~~ 24945
~~legislative authority~~ may negotiate an agreement with the board of 24946
county commissioners that provides to the board of township 24947
trustees ~~or legislative authority, or both,~~ compensation in the 24948
eleventh and subsequent years of the exemption period ~~compensation~~ 24949
equal in value to not more than fifty per cent of the taxes that 24950
would be payable to the township ~~or municipal corporation or, if~~ 24951
the board of township trustee's objection includes an objection to 24952
an exemption percentage in excess of seventy-five per cent, 24953
compensation equal in value to not more than fifty per cent of the 24954
taxes that would be payable to the township on the portion of the 24955
improvement in excess of seventy-five per cent, were that portion 24956
to be subject to taxation. The board of township trustees ~~and~~ 24957
~~legislative authority~~ shall certify its resolution to the board of 24958
county commissioners not later than thirty days after receipt of 24959
the notice. 24960

(3) If the board of township trustees ~~and the legislative~~ 24961

~~authority of the municipal corporation~~ does not object or fails to 24962
certify a resolution objecting to an exemption within thirty days 24963
after receipt of the notice, the board of county commissioners may 24964
adopt its resolution, and no compensation shall be provided to the 24965
board of township trustees ~~or legislative authority~~. If ~~both the~~ 24966
board of township trustees ~~or legislative authority of the~~ 24967
~~municipal corporation certify resolutions~~ certifies its resolution 24968
objecting to the commissioners' resolution, the board of county 24969
commissioners may adopt its resolution at any time after ~~both the~~ 24970
compensation ~~agreements are~~ agreement is agreed to by the board of 24971
county commissioners and the ~~respective party to the agreement~~ 24972
board of township trustees. If ~~either~~ the board of township 24973
trustees ~~or legislative authority of the municipal corporation~~ 24974
~~certify~~ certifies a resolution objecting to the commissioners' 24975
resolution, the board of county commissioners may adopt its 24976
resolution at any time after the compensation agreement is agreed 24977
to by the board of county commissioners and the board ~~or~~ 24978
~~legislative authority of township trustees~~, or, if no compensation 24979
agreement is negotiated, at any time after the board of county 24980
commissioners agrees to provide compensation to the board of 24981
township trustees ~~or legislative authority, or to both~~, of fifty 24982
per cent of the taxes that would be payable to the township ~~or~~ 24983
~~municipal corporation~~ in the eleventh and subsequent years of the 24984
exemption period or on the portion of the improvement in excess of 24985
seventy-five per cent, were that portion to be subject to 24986
taxation. 24987

(E) ~~Any~~ If any of the following property tax levies that are 24988
~~enacted~~ passed, as an additional levy under any provision of the 24989
Revised Code or as a replacement of an existing levy under section 24990
5705.192 of the Revised Code, at an election held on or after 24991
January 1, 2006, and after the date ~~an ordinance~~ a resolution 24992
creating an incentive district is adopted on or after January 1, 24993
2006, under division ~~(C)~~(B)(1) of this section ~~shall be levied on~~ 24994

~~property that was exempted from taxation, the county shall, within~~ 24995
~~forty-five days after the settlement required under division (A)~~ 24996
~~or (C) of section 321.24 of the Revised Code, provide compensation~~ 24997
~~to the appropriate taxing authority equal to the amount of taxes~~ 24998
~~that would have been payable to that taxing authority from the~~ 24999
~~following levies were it not for the exemption authorized under~~ 25000
~~division (C)(B) of this section and revenues collected from such~~ 25001
~~levies shall not be used to provide service payments under this~~ 25002
~~section:~~ 25003

(1) A tax levied under division (L) of section 5705.19 or 25004
section 5705.191 of the Revised Code for community mental 25005
retardation and developmental disabilities programs and services 25006
pursuant to Chapter 5126. of the Revised Code; 25007

(2) A tax levied under division (Y) of section 5705.19 of the 25008
Revised Code for providing or maintaining senior citizens services 25009
or facilities; 25010

(3) A tax levied under section 5705.22 of the Revised Code 25011
for county hospitals; 25012

(4) A tax levied by a joint-county district or by a county 25013
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 25014
for alcohol, drug addiction, and mental health services; 25015

(5) A tax levied under section 5705.23 of the Revised Code 25016
for library purposes; 25017

(6) A tax levied under section 5705.24 of the Revised Code 25018
for the support of children services and the placement and care of 25019
children; 25020

(7) A tax levied under division (Z) of section 5705.19 of the 25021
Revised Code for the provision and maintenance of zoological park 25022
services and facilities under section 307.76 of the Revised Code; 25023

(8) A tax levied under section 511.27 or division (H) of 25024

<u>section 5705.19 of the Revised Code for the support of township</u>	25025
<u>park districts;</u>	25026
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	25027
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	25028
<u>a joint recreation district organized pursuant to division (B) of</u>	25029
<u>section 755.14 of the Revised Code;</u>	25030
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	25031
<u>Revised Code for park district purposes;</u>	25032
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	25033
<u>for the purpose of making appropriations for public assistance;</u>	25034
<u>human or social services; public relief; public welfare; public</u>	25035
<u>health and hospitalization; and support of general hospitals;</u>	25036
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	25037
<u>for a general health district program.</u>	25038
(F) An exemption from taxation granted under this section	25039
commences with the tax year specified in the resolution that	25040
<u>begins so long as the year specified in the resolution commences</u>	25041
after the effective date of the resolution. <u>If the resolution</u>	25042
<u>specifies a year commencing before the effective date of the</u>	25043
<u>resolution or specifies no year whatsoever, the exemption</u>	25044
<u>commences with the tax year in which an exempted improvement first</u>	25045
<u>appears on the tax list and duplicate of real and public utility</u>	25046
<u>property and that commences after the effective date of the</u>	25047
<u>resolution.</u> Except as otherwise provided in this division, the	25048
exemption ends on the date specified in the resolution as the date	25049
the improvement ceases to be a public purpose or the incentive	25050
district expires, or ends on the date on which the county can no	25051
longer require annual service payments in lieu of taxes under	25052
section 5709.79 of the Revised Code, whichever occurs first. The	25053
exemption of an improvement with respect to a parcel <u>or within an</u>	25054
<u>incentive district</u> may end on a later date, as specified in the	25055

resolution, if the board of commissioners and the board of 25056
education of the city, local, or exempted village school district 25057
within which the parcel or district is located have entered into a 25058
compensation agreement under section 5709.82 of the Revised Code 25059
with respect to the improvement ~~or district~~, and the board of 25060
education has approved the term of the exemption under division 25061
(C)(1) of this section, but in no case shall the improvement be 25062
exempted from taxation for more than thirty years. Exemptions 25063
shall be claimed and allowed in the same or a similar manner as in 25064
the case of other real property exemptions. If an exemption status 25065
changes during a tax year, the procedure for the apportionment of 25066
the taxes for that year is the same as in the case of other 25067
changes in tax exemption status during the year. 25068

(G) If the board of county commissioners is not required by 25069
this section to notify the board of education of the board of 25070
county commissioners' intent to declare improvements to be a 25071
public purpose, the board of county commissioners shall comply 25072
with the notice requirements imposed under section 5709.83 of the 25073
Revised Code before taking formal action to adopt the resolution 25074
making that declaration, unless the board of education has adopted 25075
a resolution under that section waiving its right to receive such 25076
a notice. 25077

(H) The county, not later than fifteen days after the 25078
adoption of a resolution under this section, shall submit to the 25079
director of development a copy of the resolution. On or before the 25080
thirty-first day of March of each year, the county shall submit a 25081
status report to the director of development. The report shall 25082
indicate, in the manner prescribed by the director, the progress 25083
of the project during each year that an exemption remains in 25084
effect, including a summary of the receipts from service payments 25085
in lieu of taxes; expenditures of money from ~~funds~~ the fund 25086
created under section ~~5709.75~~ 5709.80 of the Revised Code; a 25087

description of the public infrastructure improvements and housing 25088
renovations financed with such expenditures; and a quantitative 25089
summary of changes in employment and private investment resulting 25090
from each project. 25091

(I) Nothing in this section shall be construed to prohibit a 25092
board of county commissioners from declaring to be a public 25093
purpose improvements with respect to more than one parcel. 25094

Sec. 5709.79. (A) A board of county commissioners that adopts 25095
a resolution under section 5709.78 of the Revised Code shall in 25096
the resolution require that the owner of the improvement make 25097
annual service payments in lieu of taxes to the county treasurer 25098
on or before the final dates for payment of real property taxes. 25099
Each such payment shall be charged and collected in the same 25100
manner and in the same amount as the real property taxes that 25101
would have been charged and payable against the improvement if its 25102
value were not exempt from taxation. If any reduction in the 25103
levies otherwise applicable to the improvement is made by the 25104
county budget commission under section 5705.31 of the Revised 25105
Code, the amount of the service payment in lieu of taxes shall be 25106
calculated as if the reduction in levies had not been made. 25107
25108

(B) The county shall not require the owner to make annual 25109
service payments in lieu of taxes pursuant to this section after 25110
the date on which one of the following occurs: 25111

~~(A)~~(1) If bonds or notes were not issued under section 25112
307.082 or 5709.81 of the Revised Code for any public 25113
infrastructure improvements benefiting the parcel on which the 25114
improvement is located, or for any housing renovations within an 25115
incentive district, and if service payments were not pledged 25116
pursuant to division (B) of section 5709.81 of the Revised Code, 25117
the date the county has collected sufficient money in the 25118

applicable account of the redevelopment tax equivalent fund to pay 25119
the cost of constructing or repairing the public infrastructure 25120
improvements designated in, or the housing renovations authorized 25121
by, the resolution adopted under section 5709.78 of the Revised 25122
Code; 25123

~~(B)(2)~~ If service payments were pledged under division (B) of 25124
section 5709.81 of the Revised Code to secure payment of any 25125
obligation issued to finance the public infrastructure improvement 25126
and housing renovations, the date the purposes for which the 25127
payments were pledged are paid in full; 25128

~~(C)(3)~~ If bonds or notes were issued under section 307.082 or 25129
5709.81 of the Revised Code, the date the interest on and 25130
principal of such bonds and notes have been paid in full. 25131

(C) Money collected as service payments in lieu of taxes 25132
shall be distributed at the same time and in the same manner as 25133
real property tax payments. However, subject to section 5709.914 25134
of the Revised Code, the entire amount so collected shall be 25135
distributed to the county in which the parcel is located. The 25136
county treasurer shall maintain a record of the service payments 25137
in lieu of taxes made for each parcel. If a parcel upon which 25138
moneys are collected as service payments in lieu of taxes is 25139
annexed to a municipal corporation, the service payments shall 25140
continue to be collected and distributed to the county until the 25141
date described in division ~~(A)~~, ~~(B)~~, ~~or (C)(1), (2), or (3)~~ of 25142
this section. 25143

(D) The county treasurer shall distribute to the appropriate 25144
taxing authorities the portion of the annual service payments in 25145
lieu of taxes that represents compensation payments required under 25146
division (E) of section 5709.78 of the Revised Code. 25147

(E) Nothing in this section or section 5709.78 of the Revised 25148
Code affects the taxes levied against that portion of the value of 25149

any parcel that is not exempt from taxation. 25150

Sec. 5709.80. (A) The board of county commissioners of a 25151
county that receives service payments in lieu of taxes under 25152
section 5709.79 of the Revised Code shall establish a 25153
redevelopment tax equivalent fund into which those payments shall 25154
be deposited. Separate accounts shall be established in the fund 25155
for each resolution adopted by the board of county commissioners 25156
under section 5709.78 of the Revised Code. If the board of county 25157
commissioners has adopted a resolution under division (B) of that 25158
section, the county shall establish an account for each incentive 25159
district created in that resolution. If a resolution adopted under 25160
division (B) of section 5709.78 of the Revised Code also 25161
authorizes the use of service payments for housing renovations 25162
within the incentive district, the county shall establish separate 25163
accounts for the service payments designated for public 25164
infrastructure improvements and for the service payments 25165
authorized for the purpose of housing renovations. ~~Moneys~~ 25166

(B) Moneys deposited into each account of the fund shall be 25167
used by the county to pay the cost of constructing or repairing 25168
the public infrastructure improvements designated in, or the 25169
housing renovations authorized by, the resolution, or for each 25170
incentive district for which the account is established, to pay 25171
the interest on and principal of bonds or notes issued under 25172
division (B) of section 307.082 or division (A) of section 5709.81 25173
of the Revised Code, or for the purposes pledged under division 25174
(B) of section 5709.81 of the Revised Code. Money in an account 25175
shall not be used to finance or support housing renovations that 25176
take place after the incentive district has expired. ~~The~~ 25177

(C)(1)(a) ~~The~~ board of county commissioners may ~~also~~ 25178
distribute money in an account to any school district in which the 25179
exempt property is located in an amount not to exceed the amount 25180

of real property taxes that such school district would have 25181
received from the improvement if it were not exempt from taxation. 25182
The resolution under which an account is established shall set 25183
forth the percentage of such maximum amount that will be 25184
distributed to any affected school district. ~~An~~ 25185

(b) A board of county commissioners also may distribute money 25186
in such an account as follows: 25187

(i) To a board of township trustees or legislative authority 25188
of a municipal corporation, as applicable, in the amount that is 25189
owed to the board of township trustees or legislative authority 25190
pursuant to division (D) of section 5709.78 of the Revised Code; 25191

(ii) To a township in accordance with section 5709.914 of the 25192
Revised Code. 25193

(2) Money from an account in the redevelopment tax equivalent 25194
fund may be distributed under division (C)(1)(b) of this section, 25195
regardless of the date a resolution was adopted under section 25196
5709.78 of the Revised Code that prompted the establishment of the 25197
account, even if the resolution was adopted prior to the effective 25198
date of this amendment. 25199

(D) An account dissolves upon fulfillment of the purposes for 25200
which money in the account may be used. An incidental surplus 25201
remaining in an account upon its dissolution shall be transferred 25202
to the general fund of the county. 25203

Sec. 5711.01. As used in this chapter: 25204

(A) "Taxable property" includes all the kinds of property 25205
mentioned in division (B) of section 5709.01 and section 5709.02 25206
of the Revised Code, and also the amount or value as of the date 25207
of conversion of all taxable property converted into bonds or 25208
other securities not taxed on or after the first day of November 25209
in the year preceding the date of listing, and of all other 25210

taxable property converted into deposits after the date as of 25211
which deposits are required to be listed in such year, except in 25212
the usual course of the taxpayer's business, to the extent the 25213
taxpayer may hold or control such bonds, securities, or deposits 25214
on such day, without deduction for indebtedness created in the 25215
purchase of such bonds or securities from the taxpayer's credits. 25216
"Taxable property" does not include such investments and deposits 25217
as are taxable at the source as provided in sections 5725.01 to 25218
5725.26 of the Revised Code, surrender values under policies of 25219
insurance, or any tangible personal property acquired from a 25220
public utility or interexchange telecommunications company as 25221
defined in section 5727.01 of the Revised Code, and leased back to 25222
the public utility or interexchange telecommunications company 25223
pursuant to a sale and leaseback transaction as defined in 25224
division (I) of section 5727.01 of the Revised Code. For tax year 25225
2007 and thereafter, "taxable property" of a telephone, telegraph,
or interexchange telecommunications company, as defined in section
5727.01 of the Revised Code, includes property subject to such a
sale and leaseback transaction. 25226
25227
25228
25229

For tax year 2007 and thereafter, taxable property leased to 25230
a telephone, telegraph, or interexchange telecommunications 25231
company, as defined in section 5727.01 of the Revised Code, shall 25232
be listed and assessed by the owner of the property at the 25233
percentage of true value in money required under division (H) of 25234
section 5711.22 of the Revised Code. 25235

(B) "Taxpayer" means any owner of taxable property, including 25236
property exempt under division (C) of section 5709.01 of the 25237
Revised Code, and includes every person residing in, or 25238
incorporated or organized by or under the laws of this state, or 25239
doing business in this state, or owning or having a beneficial 25240
interest in taxable personal property in this state and every 25241
fiduciary required by sections 5711.01 to 5711.36 of the Revised 25242

Code, to make a return for or on behalf of another. For tax year 25243
2007 and thereafter, "taxpayer" includes telephone companies, 25244
telegraph companies, and interexchange telecommunications company 25245
as defined in section 5727.01 of the Revised Code. The tax 25246
commissioner may by rule define and designate the taxpayer, as to 25247
any taxable property which would not otherwise be required by this 25248
section to be returned; and any such rule shall be considered 25249
supplementary to the enumeration of kinds of taxpayers following: 25250

(1) Individuals of full age and sound mind residing in this 25251
state; 25252

(2) Partnerships, corporations, associations, and joint-stock 25253
companies, under whatever laws organized or existing, doing 25254
business or having taxable property in this state; and 25255
corporations incorporated by or organized under the laws of this 25256
state, wherever their actual business is conducted; 25257

(3) Fiduciaries appointed by any court in this state or 25258
having title, possession, or custody of taxable personal property 25259
in this state or engaged in business in this state; 25260

(4) Unincorporated mutual funds. 25261

Taxpayer excludes all individuals, partnerships, 25262
corporations, associations, and joint-stock companies, their 25263
executors, administrators, and receivers who are defined in Title 25264
LVII of the Revised Code as financial institutions, dealers in 25265
intangibles, domestic insurance companies, or public utilities, 25266
except to the extent they may be required by sections 5711.01 to 25267
5711.36 of the Revised Code, to make returns as fiduciaries, or by 25268
section 5725.26 of the Revised Code, to make returns of property 25269
leased, or held for the purpose of leasing, to others if the owner 25270
or lessor of the property acquired it for the sole purpose of 25271
leasing it to others or to the extent that property is taxable 25272
under section 5725.25 of the Revised Code. 25273

(C) "Return" means the taxpayer's annual report of taxable property.	25274 25275
(D) "List" means the designation, in a return, of the description of taxable property, the valuation or amount thereof, the name of the owner, and the taxing district where assessable.	25276 25277 25278
(E) "Taxing district" means, in the case of property assessable on the classified tax list and duplicate, a municipal corporation or the territory in a county outside the limits of all municipal corporations therein; in the case of property assessable on the general tax list and duplicate, a municipal corporation or township, or part thereof, in which the aggregate rate of taxation is uniform.	25279 25280 25281 25282 25283 25284 25285
(F) "Assessor" includes the tax commissioner and the county auditor as deputy of the commissioner.	25286 25287
(G) "Fiduciary" includes executors, administrators, parents, guardians, receivers, assignees, official custodians, factors, bailees, lessees, agents, attorneys, and employees, but does not include trustees unless the sense so requires.	25288 25289 25290 25291
(H) "General tax list and duplicate" means the books or records containing the assessments of property subject to local tax levies.	25292 25293 25294
(I) "Classified tax list and duplicate" means the books or records containing the assessments of property not subject to local tax levies.	25295 25296 25297
(J) "Investment company" means any corporation, the shares of which are regularly offered for sale to the public, engaged solely in the business of investing and reinvesting funds in real property or investments, or holding or selling real property or investments for the purpose of realizing income or profit which is distributed to its shareholders. Investment company does not	25298 25299 25300 25301 25302 25303

include any dealer in intangibles, as defined in section 5725.01 25304
of the Revised Code. 25305

(K) "Unincorporated mutual fund" means any partnership, each 25306
partner of which is a corporation, engaged solely in the business 25307
of investing and reinvesting funds in investments, or holding or 25308
selling investments for the purpose of realizing income or profit 25309
which is distributed to its partners and which is subject to 25310
Chapter 1707. of the Revised Code. An unincorporated mutual fund 25311
does not include any dealer in intangibles as defined in section 25312
5725.01 of the Revised Code. 25313

Sec. 5725.221. For the purposes of this section, interest 25314
shall be computed at a rate per calendar month, rounded to the 25315
nearest one-hundredth of one per cent, equal to one-twelfth of the 25316
rate per annum prescribed by section 5703.47 of the Revised Code 25317
for the calendar year that includes the month for which the 25318
interest accrues. 25319

(A) When taxes levied by ~~sections~~ section 3737.71, 5707.03 25320
~~and, or~~ 5725.18 of the Revised Code are assessed as the result of 25321
a tax return being filed late, the treasurer of state shall add 25322
interest to the taxes due. The interest shall accrue from the 25323
first day of the month following the last day on which such taxes 25324
were required to be paid, had the assessment been certified by the 25325
date prescribed, to the last day of the month preceding the date 25326
on which the assessment was certified, and shall be computed on 25327
the taxes due. 25328

(B) If an assessment has been certified pursuant to section 25329
5711.13, 5725.08, 5725.16, 5725.20, or ~~5727.15~~ 5725.222 of the 25330
Revised Code and an amended or final assessment is certified for 25331
the same taxpayer and the same tax year, the treasurer of state 25332
shall add interest to the deficiency or excess. The interest shall 25333
be computed on the excess or deficiency, and shall be accrued in 25334

the following manner: 25335

(1) On a deficiency, interest shall accrue from the first day 25336
of the month following the last day on which the previous 25337
assessment was required to be paid, to the last day of the month 25338
preceding the date on which the amended or final assessment is 25339
certified; 25340

(2) On an excess, interest shall be allowed from the first 25341
day of the month following the date of payment of the previous 25342
assessment, to the last day of the month preceding the date on 25343
which the amended or final assessment is certified. 25344

Sec. 5725.222. (A) An application to refund to a domestic 25345
insurance company any taxes imposed by section 3737.71 of the 25346
Revised Code or this chapter that are overpaid, paid illegally or 25347
erroneously, or paid on any illegal, erroneous, or excessive 25348
assessment, with interest thereon as provided by section 5725.221 25349
of the Revised Code, shall be filed with the superintendent of 25350
insurance, on the form prescribed by the superintendent, within 25351
three years after the date of the illegal, erroneous, or excessive 25352
payment of the tax. 25353

(B) Except as otherwise provided in this division, the 25354
superintendent may make an assessment against a domestic insurance 25355
company for any deficiency for the period for which a report, tax 25356
return, or tax payment is due for any taxes imposed by section 25357
3737.71 of the Revised Code or this chapter, based on any 25358
information in the superintendent's possession. No assessment 25359
shall be made against a domestic insurance company more than three 25360
years after the later of the final date the report, tax return, or 25361
tax payment subject to the assessment was required to be filed or 25362
paid, or the date the report or tax return was filed, provided 25363
that there shall be no bar if the domestic insurance company 25364
failed to file the required report or tax return or if the 25365

deficiency results from fraud or any felonious act. The time limit 25366
may be extended if both the domestic insurance company and the 25367
superintendent agree in writing to the extension. 25368

Sec. 5725.98. (A) To provide a uniform procedure for 25369
calculating the amount of tax imposed by section 5725.18 of the 25370
Revised Code that is due under this chapter, a taxpayer shall 25371
claim any credits and offsets against tax liability to which it is 25372
entitled in the following order: 25373

(1) The credit for an insurance company or insurance company 25374
group under section 5729.031 of the Revised Code. 25375

(2) The credit for eligible employee training costs under 25376
section 5725.31 of the Revised Code. 25377

(3) The credit under section 5725.19 of the Revised Code for 25378
losses on loans made under the Ohio venture capital authority 25379
program under sections 150.01 to 150.10 of the Revised Code if the 25380
taxpayer elected a nonrefundable credit under section 150.07 of 25381
the Revised Code. 25382

(4) The offset of assessments by the Ohio life and health 25383
insurance guaranty association permitted by section 3956.20 of the 25384
Revised Code. 25385

(5) The refundable credit for Ohio job creation under section 25386
5725.32 of the Revised Code. 25387

(6) The credit under section 5729.08 of the Revised Code for 25388
losses on loans made under the Ohio venture capital program under 25389
sections 150.01 to 150.10 of the Revised Code if the taxpayer 25390
elected a refundable credit under section 150.07 of the Revised 25391
Code. 25392

(B) For any credit except the credits enumerated in divisions 25393
(A)(5) and (6) of this section, the amount of the credit for a 25394
taxable year shall not exceed the tax due after allowing for any 25395

other credit that precedes it in the order required under this 25396
section. Any excess amount of a particular credit may be carried 25397
forward if authorized under the section creating that credit. 25398
Nothing in this chapter shall be construed to allow a taxpayer to 25399
claim, directly or indirectly, a credit more than once for a 25400
taxable year. 25401

Sec. 5727.06. (A) Except as otherwise provided by law, the 25402
following constitutes the taxable property of a public utility, 25403
interexchange telecommunications company, or public utility 25404
property lessor that shall be assessed by the tax commissioner: 25405

(1) For tax years before tax year 2006: 25406

(a) In the case of a railroad company, all real property and 25407
tangible personal property owned or operated by the railroad 25408
company in this state on the thirty-first day of December of the 25409
preceding year; 25410

(b) In the case of a water transportation company, all 25411
tangible personal property, except watercraft, owned or operated 25412
by the water transportation company in this state on the 25413
thirty-first day of December of the preceding year and all 25414
watercraft owned or operated by the water transportation company 25415
in this state during the preceding calendar year; 25416

(c) In the case of all other public utilities and 25417
interexchange telecommunications companies, all tangible personal 25418
property that on the thirty-first day of December of the preceding 25419
year was both located in this state and: 25420

(i) Owned by the public utility or interexchange 25421
telecommunications company; or 25422

(ii) Leased by the public utility or interexchange 25423
telecommunications company under a sale and leaseback transaction. 25424

(2) For tax years 2006, 2007, and 2008: 25425

(a) In the case of a railroad company, all real property used	25426
in railroad operations and tangible personal property owned or	25427
operated by the railroad company in this state on the thirty-first	25428
day of December of the preceding year;	25429
(b) In the case of a water transportation company, all	25430
tangible personal property, except watercraft, owned or operated	25431
by the water transportation company in this state on the	25432
thirty-first day of December of the preceding year and all	25433
watercraft owned or operated by the water transportation company	25434
in this state during the preceding calendar year;	25435
(c) In the case of all other public utilities except	25436
telephone and telegraph companies, all tangible personal property	25437
that on the thirty-first day of December of the preceding year was	25438
both located in this state and either owned by the public utility	25439
or leased by the public utility under a sale and leaseback	25440
transaction.	25441
(3) For tax year 2009 and each tax year thereafter:	25442
(a) In the case of a railroad company, all real property used	25443
in railroad operations and tangible personal property owned or	25444
operated by the railroad company in this state on the thirty-first	25445
day of December of the preceding year;	25446
(b) In the case of a water transportation company, all	25447
tangible personal property, except watercraft, owned or operated	25448
by the water transportation company in this state on the	25449
thirty-first day of December of the preceding year and all	25450
watercraft owned or operated by the water transportation company	25451
in this state during the preceding calendar year;	25452
(c) In the case of all other public utilities except	25453
telephone and telegraph companies, all tangible personal property	25454
that on the thirty-first day of December of the preceding year was	25455
both located in this state and either owned by the public utility	25456

or leased by the public utility under a sale and leaseback 25457
transaction; 25458

(d) In the case of a public utility property lessor, all 25459
personal property that on the thirty-first day of December of the 25460
preceding year was both located in this state and leased, in other 25461
than a sale and leaseback transaction, to ~~an interexchange~~ 25462
~~telecommunications company or~~ a public utility other than a 25463
railroad ~~company, telephone, telegraph,~~ or water transportation 25464
company. The assessment rate used under section 5727.111 of the 25465
Revised Code shall be based on the assessment rate that would 25466
apply if the ~~interexchange telecommunications company or~~ public 25467
utility owned the property. 25468

(4) For tax years 2005 and 2006, in the case of telephone, 25469
telegraph, or interexchange telecommunications companies, all 25470
tangible personal property that on the thirty-first day of 25471
December of the preceding year was both located in this state and 25472
either owned by the telephone, telegraph, or interexchange 25473
telecommunications company or leased by the telephone, telegraph, 25474
or interexchange telecommunications company under a sale and 25475
leaseback transaction. 25476

(5) For tax year 2007 and thereafter, in the case of 25477
telephone, telegraph, or interexchange telecommunications 25478
companies, all tangible personal property shall be listed and 25479
assessed for taxation under Chapter 5711. of the Revised Code. 25480

(B) This division applies to tax years before tax year 2007. 25481

In the case of an interexchange telecommunications company, 25482
all taxable property shall be subject to the provisions of this 25483
chapter and shall be valued by the commissioner in accordance with 25484
division (A) of section 5727.11 of the Revised Code. A person 25485
described by this division shall file the report required by 25486
section 5727.08 of the Revised Code. Persons described in this 25487

division shall not be considered taxpayers, as defined in division 25488
(B) of section 5711.01 of the Revised Code, and shall not be 25489
required to file a return and list their taxable property under 25490
any provision of Chapter 5711. of the Revised Code. 25491

(C) The lien of the state for taxes levied each year on the 25492
real and personal property of public utilities and interexchange 25493
telecommunications companies and on the personal property of 25494
public utility property lessors shall attach thereto on the 25495
thirty-first day of December of the preceding year. 25496

(D) Property that is required by division (A)(3)(b) of this 25497
section to be assessed by the tax commissioner under this chapter 25498
shall not be listed by the owner of the property under Chapter 25499
5711. of the Revised Code. 25500

(E) The tax commissioner may adopt rules governing the 25501
listing of the taxable property of public utilities and 25502
interexchange telecommunications companies and the determination 25503
of true value. 25504

Sec. 5727.85. (A) By the thirty-first day of July of each 25505
year, beginning in 2002 and ending in 2016, the department of 25506
education shall determine the following for each school district 25507
and each joint vocational school district eligible for payment 25508
under division (C) or (D) of this section: 25509

(1) The state education aid offset, which is the difference 25510
obtained by subtracting the amount described in division (A)(1)(b) 25511
of this section from the amount described in division (A)(1)(a) of 25512
this section: 25513

(a) The state education aid computed for the school district 25514
or joint vocational school district for the current fiscal year as 25515
of the thirty-first day of July; 25516

(b) The state education aid that would be computed for the 25517

school district or joint vocational school district for the 25518
current fiscal year as of the thirty-first day of July if the 25519
recognized valuation included the tax value loss for the school 25520
district or joint vocational school district. 25521

(2) The greater of zero or the difference obtained by 25522
subtracting the state education aid offset determined under 25523
division (A)(1) of this section from the fixed-rate levy loss 25524
certified under division (J) of section 5727.84 of the Revised 25525
Code for all taxing districts in each school district and joint 25526
vocational school district. 25527

By the fifth day of August of each such year, the department 25528
of education shall certify the amount so determined under division 25529
(A)(1) of this section to the director of budget and management. 25530

(B) Not later than the thirty-first day of October of the 25531
years 2006 through 2016, the department of education shall 25532
determine all of the following for each school district: 25533

(1) The amount obtained by subtracting the district's state 25534
education aid computed for fiscal year 2002 from the district's 25535
state education aid computed for the current fiscal year; 25536

(2) The inflation-adjusted property tax loss. The 25537
inflation-adjusted property tax loss equals the fixed-rate levy 25538
loss, excluding the tax loss from levies within the ten-mill 25539
limitation to pay debt charges, determined under division (G) of 25540
section 5727.84 of the Revised Code for all taxing districts in 25541
each school district, plus the product obtained by multiplying 25542
that loss by the cumulative percentage increase in the consumer 25543
price index from January 1, 2002, to the thirtieth day of June of 25544
the current year. 25545

(3) The difference obtained by subtracting the amount 25546
computed under division (B)(1) from the amount of the 25547
inflation-adjusted property tax loss. If this difference is zero 25548

or a negative number, no further payments shall be made under 25549
division (C) of this section to the school district from the 25550
school district property tax replacement fund. 25551

(C) The department of education shall pay from the school 25552
district property tax replacement fund to each school district all 25553
of the following: 25554

(1) In February 2002, one-half of the fixed-rate levy loss 25555
certified under division (J) of section 5727.84 of the Revised 25556
Code between the twenty-first and twenty-eighth days of February. 25557

(2) From August 2002 through August ~~2006~~ 2017, one-half of 25558
the amount calculated for that fiscal year under division (A)(2) 25559
of this section between the twenty-first and twenty-eighth days of 25560
August and of February, provided the difference computed under 25561
division (B)(3) of this section is not less than or equal to zero. 25562

~~(3) From February 2007 through August 2016, one half of the~~ 25563
~~amount calculated for that calendar year under division (B)(3) of~~ 25564
~~this section between the twenty first and twenty eighth days of~~ 25565
~~August and of February.~~ 25566

~~(4) For taxes levied within the ten-mill limitation for debt~~ 25567
~~purposes in tax year 1998 in the case of electric company tax~~ 25568
~~value losses, and in tax year 1999 in the case of natural gas~~ 25569
~~company tax value losses, payments shall be made equal to one~~ 25570
~~hundred per cent of the loss computed as if the tax were a~~ 25571
~~fixed-rate levy, but those payments shall extend from fiscal year~~ 25572
~~2006 through fiscal year 2016.~~ 25573

The department of education shall report to each school 25574
district the apportionment of the payments among the school 25575
district's funds based on the certifications under division (J) of 25576
section 5727.84 of the Revised Code. 25577

(D) Not later than January 1, 2002, for all taxing districts 25578

in each joint vocational school district, the tax commissioner 25579
shall certify to the department of education the fixed-rate levy 25580
loss determined under division (G) of section 5727.84 of the 25581
Revised Code. From February 2002 to August 2016, the department 25582
shall pay from the school district property tax replacement fund 25583
to the joint vocational school district one-half of the amount 25584
calculated for that fiscal year under division (A)(2) of this 25585
section between the twenty-first and twenty-eighth days of August 25586
and of February. 25587

(E)(1) Not later than January 1, 2002, for each fixed-sum 25588
levy levied by each school district or joint vocational school 25589
district and for each year for which a determination is made under 25590
division (H) of section 5727.84 of the Revised Code that a 25591
fixed-sum levy loss is to be reimbursed, the tax commissioner 25592
shall certify to the department of education the fixed-sum levy 25593
loss determined under that division. The certification shall cover 25594
a time period sufficient to include all fixed-sum levies for which 25595
the tax commissioner made such a determination. The department 25596
shall pay from the school district property tax replacement fund 25597
to the school district or joint vocational school district 25598
one-half of the fixed-sum levy loss so certified for each year 25599
between the twenty-first and twenty-eighth days of August and of 25600
February. 25601

(2) Beginning in 2003, by the thirty-first day of January of 25602
each year, the tax commissioner shall review the certification 25603
originally made under division (E)(1) of this section. If the 25604
commissioner determines that a debt levy that had been scheduled 25605
to be reimbursed in the current year has expired, a revised 25606
certification for that and all subsequent years shall be made to 25607
the department of education. 25608

(F) If the balance of the half-mill equalization fund created 25609
under section 3318.18 of the Revised Code is insufficient to make 25610

the full amount of payments required under division (D) of that section, the department of education, at the end of the third quarter of the fiscal year, shall certify to the director of budget and management the amount of the deficiency, and the director shall transfer an amount equal to the deficiency from the school district property tax replacement fund to the half-mill equalization fund.

(G) Beginning in August 2002, and ending in May 2017, the director of budget and management shall transfer from the school district property tax replacement fund to the general revenue fund each of the following:

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of May, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

(H) On the first day of June each year, the director of budget and management shall transfer any balance remaining in the school district property tax replacement fund after the payments have been made under divisions (C), (D), (E), (F), and (G) of this section to the half-mill equalization fund created under section 3318.18 of the Revised Code.

(I) From fiscal year 2002 through fiscal year 2016, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), and (F) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax

replacement fund the difference between the total amount to be 25642
paid and the total amount in the school district property tax 25643
replacement fund, except that no transfer shall be made by reason 25644
of a deficiency to the extent that it results from the amendment 25645
of section 5727.84 of the Revised Code by Amended Substitute House 25646
Bill No. 95 of the 125th general assembly. 25647

(J) If all of the territory of a school district or joint 25648
vocational school district is merged with an existing district, or 25649
if a part of the territory of a school district or joint 25650
vocational school district is transferred to an existing or new 25651
district, the department of education, in consultation with the 25652
tax commissioner, shall adjust the payments made under this 25653
section as follows: 25654

(1) For the merger of all of the territory of two or more 25655
districts, the fixed-rate levy loss and the fixed-sum levy loss of 25656
the successor district shall be equal to the sum of the fixed-rate 25657
levy losses and the fixed-sum levy losses for each of the 25658
districts involved in the merger. 25659

(2) For the transfer of a part of one district's territory to 25660
an existing district, the amount of the fixed-rate levy loss that 25661
is transferred to the recipient district shall be an amount equal 25662
to the transferring district's total fixed-rate levy loss times a 25663
fraction, the numerator of which is the value of electric company 25664
tangible personal property located in the part of the territory 25665
that was transferred, and the denominator of which is the total 25666
value of electric company tangible personal property located in 25667
the entire district from which the territory was transferred. The 25668
value of electric company tangible personal property under this 25669
division shall be determined for the most recent year for which 25670
data is available. Fixed-sum levy losses for both districts shall 25671
be determined under division (J)(4) of this section. 25672

(3) For the transfer of a part of the territory of one or more districts to create a new district: 25673
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(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August 2006. From February 2007 to August 2016, the new district shall be paid the lesser of: (i) the amount calculated under division ~~(B)~~(C)(2) of this section or (ii) an amount determined under the schedule in division (A)(1) of section 5727.86 of the Revised Code, as if for this purpose the new district was a local taxing unit under that section. Fixed-sum levy losses for the districts shall be determined under division (J)(4) of this section. 25675
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(b) If the new district is created on or after January 1, 2005, the new district shall be deemed not to have any fixed-rate levy loss or, except as provided in division (J)(4) of this section, fixed-sum levy loss. The district or districts from which the territory was transferred shall have no reduction in their fixed-rate levy loss, or, except as provided in division (J)(4) of this section, their fixed-sum levy loss. 25685
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(4) If a recipient district under division (J)(2) of this section or a new district under division (J)(3)(a) or (b) of this section takes on debt from one or more of the districts from which territory was transferred, and any of the districts transferring the territory had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy losses. 25692
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(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives 25699
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appointed by the speaker of the house of representatives. The 25704
appointments shall be made not later than January 31, 2011. The 25705
tax commissioner shall be the chairperson of the committee. 25706

The committee shall study the extent to which each school 25707
district or joint vocational school district has been compensated, 25708
under sections 5727.84 and 5727.85 of the Revised Code as enacted 25709
by Substitute Senate Bill No. 3 of the 123rd general assembly and 25710
any subsequent acts, for the property tax loss caused by the 25711
reduction in the assessment rates for natural gas, electric, and 25712
rural electric company tangible personal property. Not later than 25713
June 30, 2011, the committee shall issue a report of its findings, 25714
including any recommendations for providing additional 25715
compensation for the property tax loss or regarding remedial 25716
legislation, to the president of the senate and the speaker of the 25717
house of representatives, at which time the committee shall cease 25718
to exist. 25719

The department of taxation and department of education shall 25720
provide such information and assistance as is required for the 25721
committee to carry out its duties. 25722

Sec. 5729.05. On ~~or before October 15, 1965 and on~~ or before 25723
the fifteenth day of October each ~~succeeding~~ year, each foreign 25724
insurance company shall pay to the treasurer of state an amount 25725
equal to one-half of the previous calendar year's tax, before 25726
credits, which was assessed and paid under section ~~5729.03~~ 3737.71 25727
of the Revised Code and this chapter. This payment shall be 25728
considered as a partial payment of the tax upon the business done 25729
in this state during the calendar year in which the payment date 25730
provided by this paragraph is contained. 25731

At the time of filing its annual statement, each foreign 25732
insurance company shall pay to the treasurer of state the tax 25733
assessable under section ~~5729.03~~ 3737.71 of the Revised Code and 25734

this chapter, calculated by such company from such annual 25735
statement. The company may deduct the part of such tax already 25736
paid as a partial payment. 25737

The superintendent shall determine the correctness of the 25738
reports and statements of insurance companies, compute the annual 25739
tax ~~provided for in such sections~~, and, on or before the fifteenth 25740
day of May, prepare and furnish to the treasurer of state lists of 25741
all taxable companies, showing as to each company the whole amount 25742
of the annual tax computed by ~~him~~ the superintendent. The 25743
treasurer of state, after deducting the tax already paid, shall 25744
promptly notify each such company of any amount due, which amount 25745
shall be paid by each such company to the treasurer of state by 25746
the fifteenth day of June next succeeding. If a company has for 25747
any reason overpaid or was illegally or erroneously assessed or 25748
charged for collection a larger amount of tax than its annual tax 25749
as computed by the superintendent of insurance and an application 25750
for refund was timely filed under section 5729.102 of the Revised 25751
Code, a refund of the excess amount shall be paid from the tax 25752
refund fund created by section 5703.052 of the Revised Code. 25753

Sec. 5729.101. For the purposes of this section, interest 25754
shall be computed at a rate per calendar month, rounded to the 25755
nearest one-hundredth of one per cent, equal to one-twelfth of the 25756
rate per annum prescribed by section 5703.47 of the Revised Code 25757
for the calendar year that includes the month for which the 25758
interest accrues. 25759

(A) When taxes levied by this chapter or by section 3737.71 25760
of the Revised Code are assessed as the result of a tax return 25761
being filed late, the treasurer of state shall add interest to the 25762
taxes due. The interest shall accrue from the first day of the 25763
month following the last day on which the taxes were required to 25764
be paid had the assessment been certified by the date prescribed, 25765

to the last day of the month preceding the date on which the 25766
assessment was certified, and shall be computed on the basis of 25767
the taxes due. 25768

(B) If an assessment has been certified pursuant to this 25769
chapter and an amended or final assessment is certified for the 25770
same taxpayer and the same tax year, the treasurer of state shall 25771
add interest to the deficiency or excess. The interest shall be 25772
computed on the excess or deficiency and shall accrue as follows: 25773

(1) On a deficiency, interest shall accrue from the first day 25774
of the month following the last day on which the previous 25775
assessment was required to be paid to the last day of the month 25776
preceding the date on which the amended or final assessment is 25777
certified. 25778

(2) On an excess, interest shall be allowed from the first 25779
day of the month following the date of payment of the previous 25780
assessment to the last day of the month preceding the date on 25781
which the amended or final assessment is certified. 25782

Sec. 5729.102. (A) An application to refund to a foreign 25783
insurance company any taxes imposed by section 3737.71 of the 25784
Revised Code or this chapter that are overpaid, paid illegally or 25785
erroneously, or paid on any illegal, erroneous, or excessive 25786
assessment, with interest thereon as provided by section 5729.101 25787
of the Revised Code, shall be filed with the superintendent of 25788
insurance, on the form prescribed by the superintendent, within 25789
three years after the date of the illegal, erroneous, or excessive 25790
payment of the tax. 25791

(B) Except as otherwise provided in this division, the 25792
superintendent may make an assessment against a foreign insurance 25793
company for any deficiency for the period for which a report, tax 25794
return, or tax payment is due for any taxes imposed by section 25795

3737.71 of the Revised Code or this chapter, based on any 25796
information in the superintendent's possession. No assessment 25797
shall be made against a foreign insurance company more than three 25798
years after the later of the final date the report, tax return, or 25799
tax payment subject to the assessment was required to be filed or 25800
paid, or the date the report or tax return was filed, provided 25801
that there shall be no bar if the foreign insurance company failed 25802
to file the required report or tax return or if the deficiency 25803
results from fraud or any felonious act. The time limit may be 25804
extended if both the foreign insurance company and the 25805
superintendent agree in writing to the extension. 25806

Sec. 5729.98. (A) To provide a uniform procedure for 25807
calculating the amount of tax due under this chapter, a taxpayer 25808
shall claim any credits and offsets against tax liability to which 25809
it is entitled in the following order: 25810

(1) The credit for an insurance company or insurance company 25811
group under section 5729.031 of the Revised Code. 25812

(2) The credit for eligible employee training costs under 25813
section 5729.07 of the Revised Code. 25814

(3) The credit under section 5729.08 of the Revised Code for 25815
losses on loans made under the Ohio venture capital program under 25816
sections 150.01 to 150.10 of the Revised Code if the taxpayer 25817
elected a nonrefundable credit under section 150.07 of the Revised 25818
Code. 25819

(4) The offset of assessments by the Ohio life and health 25820
insurance guaranty association against tax liability permitted by 25821
section 3956.20 of the Revised Code. 25822

(5) The refundable credit for Ohio job creation under section 25823
5729.032 of the Revised Code. 25824

(6) The credit under section 5729.08 of the Revised Code for 25825

losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code. 25826
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(B) For any credit except the credits enumerated in divisions (A)(5) and (6) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 25830
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Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and each nonprofit corporation organized pursuant to Chapter 1729. of the Revised Code, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign corporations shall be the amount charged against each corporation organized for profit and each nonprofit corporation organized or operating in the same or similar manner as nonprofit corporations organized under Chapter 1729. of the Revised Code, under the laws of any state or country other than this state, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of doing business in this state, owning or using a part or all of its capital or property in this state, holding a certificate of compliance with the laws of this state authorizing it to do business in this state, or otherwise having nexus in or 25839
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with this state under the Constitution of the United States, 25857
during the calendar year in which that amount is payable. 25858

(B) A corporation is subject to the tax imposed by section 25859
5733.06 of the Revised Code for each calendar year that it is so 25860
organized, doing business, owning or using a part or all of its 25861
capital or property, holding a certificate of compliance, or 25862
otherwise having nexus in or with this state under the 25863
Constitution of the United States, on the first day of January of 25864
that calendar year. 25865

(C) Any corporation subject to this chapter that is not 25866
subject to the federal income tax shall file its returns and 25867
compute its tax liability as required by this chapter in the same 25868
manner as if that corporation were subject to the federal income 25869
tax. 25870

(D) For purposes of this chapter, a federally chartered 25871
financial institution shall be deemed to be organized under the 25872
laws of the state within which its principal office is located. 25873

(E) For purposes of this chapter, any person, as defined in 25874
section 5701.01 of the Revised Code, shall be treated as a 25875
corporation if the person is classified for federal income tax 25876
purposes as an association taxable as a corporation, and an equity 25877
interest in the person shall be treated as capital stock of the 25878
person. 25879

(F) For the purposes of this chapter, "disregarded entity" 25880
has the same meaning as in division (D) of section 5745.01 of the 25881
Revised Code. 25882

(1) A person's interest in a disregarded entity, whether held 25883
directly or indirectly, shall be treated as the person's ownership 25884
of the assets and liabilities of the disregarded entity, and the 25885
income, including gain or loss, shall be included in the person's 25886
net income under this chapter. 25887

(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

(G) The tax a corporation is required to pay under this chapter shall be as follows:

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this

section:	25919
(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;	25920 25921 25922 25923
(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31), (32), and (33), <u>and (34)</u> of section 5733.98 of the Revised Code;	25924 25925 25926 25927 25928 25929 25930 25931
(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31), (32), and (33), <u>and (34)</u> of section 5733.98 of the Revised Code;	25932 25933 25934 25935 25936 25937 25938 25939
(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31), (32), and (33), <u>and (34)</u> of section 5733.98 of the Revised Code;	25940 25941 25942 25943 25944 25945 25946 25947
(v) For tax year 2009, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code	25948 25949

or one-fifth of the difference between all taxes charged the
corporation under this chapter and any credits allowable against
such tax except the qualifying pass-through entity tax credit
described in division (A)(30) and the refundable credits described
in divisions (A)(31), (32), and (33) of section 5733.98 of the
Revised Code;

(vi) For tax year 2010 and each tax year thereafter, no tax.

(b) A corporation shall subtract from the amount calculated
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section
any qualifying pass-through entity tax credit described in
division (A)(30) and any refundable credits described in divisions
(A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 of the
Revised Code to which the corporation is entitled. Any unused
qualifying pass-through entity tax credit is not refundable.

(c) For the purposes of computing the amount of a credit that
may be carried forward to a subsequent tax year under division
(G)(2) of this section, a credit is utilized against the tax for a
tax year to the extent the credit applies against the tax for that
tax year, even if the difference is then multiplied by the
applicable fraction under division (G)(2)(a) of this section.

(3) Nothing in division (G) of this section eliminates or
reduces the tax imposed by section 5733.41 of the Revised Code on
a qualifying pass-through entity.

Sec. 5733.352. (A) As used in this section:

(1) "Borrower" means any person that receives a loan from the
director of development under section 166.21 of the Revised Code,
regardless of whether the borrower is subject to the taxes imposed
by sections 5733.06, 5733.065, and 5733.066 of the Revised Code.

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

(3) "Qualified research and development loan payments" has 25980
the same meaning as in division (D) of section 166.21 of the 25981
Revised Code. 25982

(B) Beginning with tax year 2004, and in the case of a 25983
corporation subject to division (G)(2) of section 5733.01 of the 25984
Revised Code ending with tax year 2008, a nonrefundable credit is 25985
allowed against the taxes imposed by sections 5733.06, 5733.065, 25986
and 5733.066 of the Revised Code equal to a borrower's qualified 25987
research and development loan payments made during the calendar 25988
year immediately preceding the tax year for which the credit is 25989
claimed. The amount of the credit for a tax year shall not exceed 25990
one hundred fifty thousand dollars. No taxpayer is entitled to 25991
claim a credit under this section unless it has obtained a 25992
certificate issued by the director of development under division 25993
(D) of section 166.21 of the Revised Code and submits a copy of 25994
the certificate with its report for the taxable year. Failure to 25995
submit a copy of the certificate with the report does not 25996
invalidate a claim for a credit if the taxpayer submits a copy of 25997
the certificate within sixty days after the tax commissioner 25998
requests it. The credit shall be claimed in the order required 25999
under section 5733.98 of the Revised Code. The credit, to the 26000
extent it exceeds the taxpayer's tax liability for the tax year 26001
after allowance for any other credits that precede the credit 26002
under this section in that order, shall be carried forward to the 26003
next succeeding tax year or years until fully used. A corporation 26004
subject to division (G)(2) of section 5733.01 of the Revised Code 26005
may carry forward any credit not fully utilized by tax year 2008 26006
and apply it against the tax levied by Chapter 5751. of the 26007
Revised Code to the extent allowed under section 5751.52 of the 26008
Revised Code. 26009

(C) A borrower entitled to a credit under this section may 26010
assign the credit, or a portion thereof, to any of the following: 26011

(1) A related member of that borrower; 26012

(2) The owner or lessee of the eligible research and 26013
development project; 26014

(3) A related member of the owner or lessee of the eligible 26015
research and development project. 26016

A borrower making an assignment under this division shall 26017
provide written notice of the assignment to the tax commissioner 26018
and the director of development, in such form as the tax 26019
commissioner prescribes, before the credit that was assigned is 26020
used. The assignor may not claim the credit to the extent it was 26021
assigned to an assignee. The assignee may claim the credit only to 26022
the extent the assignor has not claimed it. 26023

(D) If any taxpayer is a partner in a partnership or a member 26024
in a limited liability company treated as a partnership for 26025
federal income tax purposes, the taxpayer shall be allowed the 26026
taxpayer's distributive or proportionate share of the credit 26027
available through the partnership or limited liability company. 26028

(E) The aggregate credit against the taxes imposed by 26029
sections 5733.06, 5733.065, 5733.066, and 5747.02 of the Revised 26030
Code that may be claimed under this section and section 5747.331 26031
of the Revised Code by a borrower as a result of qualified 26032
research and development loan payments attributable during a 26033
calendar year to any one loan shall not exceed one hundred fifty 26034
thousand dollars. 26035

Sec. 5733.56. ~~Beginning in~~ (A)(1) For tax year 2005, a 26036
telephone company that provides any telephone service program to 26037
aid the communicatively impaired in accessing the telephone 26038
network under section 4905.79 of the Revised Code is allowed a 26039
nonrefundable credit against the tax imposed by section 5733.06 of 26040
the Revised Code. The amount of the credit is the cost incurred by 26041

the company for providing the telephone service program during its 26042
taxable year, excluding any costs incurred prior to July 1, 2004. 26043
~~If the tax commissioner determines that the credit claimed under 26044
this section by a telephone company was not correct, the 26045
commissioner shall determine the proper credit. 26046~~

(2) A telephone company shall claim the credit under division 26047
(A)(1) of this section in the order required by section 5733.98 of 26048
the Revised Code. If the credit exceeds the total taxes due under 26049
section 5733.06 of the Revised Code for the tax year, after 26050
allowance for any other credits preceding this credit in the order 26051
set forth in section 5733.98 of the Revised Code, the commissioner 26052
shall credit the excess against taxes due under that section 26053
5733.06 of the Revised Code for succeeding tax years until the 26054
full amount of the credit is granted. Nothing 26055

(B) For each of tax years 2006, 2007, and 2008, a telephone 26056
company that provides any telephone service program to aid the 26057
communicatively impaired in accessing the telephone network under 26058
section 4905.79 of the Revised Code is allowed a refundable credit 26059
against the tax imposed by section 5733.06 of the Revised Code. 26060
For each tax year, the amount of the credit is the cost incurred 26061
by the company during that tax year's taxable year for providing 26062
the telephone service program. No cost incurred with respect to 26063
the credit that is allowable for a tax year shall be considered 26064
for purposes of computing the credit allowable for any other tax 26065
year. 26066

(C) If the tax commissioner ascertains that any credit 26067
claimed pursuant to this section by a telephone company was not 26068
correct, the commissioner shall ascertain the proper credit. No 26069
cost incurred after December 31, 2007, shall be considered for 26070
purposes of computing any credit allowed by this section. 26071

(D) Nothing in this section authorizes a telephone company to 26072

claim a credit under this section for any costs incurred ~~for~~ in 26073
providing a telephone service program for which it is either 26074
claiming a credit under former section 5727.44 of the Revised Code 26075
or receiving reimbursement for its costs under any other provision 26076
of the Revised Code. 26077

Sec. 5733.98. (A) To provide a uniform procedure for 26078
calculating the amount of tax imposed by section 5733.06 of the 26079
Revised Code that is due under this chapter, a taxpayer shall 26080
claim any credits to which it is entitled in the following order, 26081
except as otherwise provided in section 5733.058 of the Revised 26082
Code: 26083

(1) For tax year 2005, the credit for taxes paid by a 26084
qualifying pass-through entity allowed under section 5733.0611 of 26085
the Revised Code; 26086

(2) The credit allowed for financial institutions under 26087
section 5733.45 of the Revised Code; 26088

(3) The credit for qualifying affiliated groups under section 26089
5733.068 of the Revised Code; 26090

(4) The subsidiary corporation credit under section 5733.067 26091
of the Revised Code; 26092

(5) The savings and loan assessment credit under section 26093
5733.063 of the Revised Code; 26094

(6) The credit for recycling and litter prevention donations 26095
under section 5733.064 of the Revised Code; 26096

(7) The credit for employers that enter into agreements with 26097
child day-care centers under section 5733.36 of the Revised Code; 26098

(8) The credit for employers that reimburse employee child 26099
care expenses under section 5733.38 of the Revised Code; 26100

(9) The credit for maintaining railroad active grade crossing 26101

warning devices under section 5733.43 of the Revised Code;	26102
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	26103 26104
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	26105 26106
(12) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	26107 26108 26109 26110
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	26111 26112 26113
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	26114 26115
(15) The job training credit under section 5733.42 of the Revised Code;	26116 26117
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	26118 26119
(17) The enterprise zone credit under section 5709.66 of the Revised Code;	26120 26121
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	26122 26123
(19) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	26124 26125
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	26126 26127
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	26128 26129
(22) The export sales credit under section 5733.069 of the	26130

Revised Code;	26131
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	26132 26133
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	26134 26135
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	26136 26137
(26) The credit for small telephone companies under section 5733.57 of the Revised Code;	26138 26139
(27) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	26140 26141
(28) The <u>For tax year 2005, the</u> credit for providing programs to aid the communicatively impaired under <u>division (A) of</u> section 5733.56 of the Revised Code;	26142 26143 26144
(29) The research and development credit under section 5733.352 of the Revised Code;	26145 26146
(30) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	26147 26148 26149
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	26150 26151
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	26152 26153
(33) The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code;	26154 26155 26156 26157
<u>(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the</u>	26158 26159

Revised Code. 26160

(B) For any credit except the credits enumerated in divisions 26161
(A) (31), (32), ~~and (33)~~, and (34) of this section, the amount of 26162
the credit for a tax year shall not exceed the tax due after 26163
allowing for any other credit that precedes it in the order 26164
required under this section. Any excess amount of a particular 26165
credit may be carried forward if authorized under the section 26166
creating that credit. 26167

Sec. 5735.27. (A) There is hereby created in the state 26168
treasury the gasoline excise tax fund, which shall be distributed 26169
in the following manner: 26170

(1) The amount credited pursuant to divisions (B)(2)(a) and 26171
(C)(2)(a) of section 5735.23 of the Revised Code shall be 26172
distributed among municipal corporations. The amount paid to each 26173
municipal corporation shall be that proportion of the amount to be 26174
so distributed that the number of motor vehicles registered within 26175
the municipal corporation bears to the total number of motor 26176
vehicles registered within all the municipal corporations of this 26177
state during the preceding motor vehicle registration year. When a 26178
new village is incorporated, the registrar of motor vehicles shall 26179
determine from the applications on file in the bureau of motor 26180
vehicles the number of motor vehicles located within the territory 26181
comprising the village during the entire registration year in 26182
which the municipal corporation was incorporated. The registrar 26183
shall forthwith certify the number of motor vehicles so determined 26184
to the tax commissioner for use in distributing motor vehicle fuel 26185
tax funds to the village until the village is qualified to 26186
participate in the distribution of the funds pursuant to this 26187
division. The number of motor vehicle registrations shall be 26188
determined by the official records of the bureau of motor 26189
vehicles. The amount received by each municipal corporation shall 26190

be used to plan, construct, reconstruct, repave, widen, maintain, 26191
repair, clear, and clean public highways, roads, and streets; to 26192
maintain and repair bridges and viaducts; to purchase, erect, and 26193
maintain street and traffic signs and markers; to pay the costs 26194
apportioned to the municipal corporation under section 4907.47 of 26195
the Revised Code; to purchase, erect, and maintain traffic lights 26196
and signals; to pay the principal, interest, and charges on bonds 26197
and other obligations issued pursuant to Chapter 133. of the 26198
Revised Code or incurred pursuant to section 5531.09 of the 26199
Revised Code for the purpose of acquiring or constructing roads, 26200
highways, bridges, or viaducts or acquiring or making other 26201
highway improvements for which the municipal corporation may issue 26202
bonds; and to supplement revenue already available for these 26203
purposes. 26204

(2) The amount credited pursuant to division (B) of section 26205
5735.26 of the Revised Code shall be distributed among the 26206
municipal corporations within the state, in the proportion which 26207
the number of motor vehicles registered within each municipal 26208
corporation bears to the total number of motor vehicles registered 26209
within all the municipal corporations of the state during the 26210
preceding calendar year, as shown by the official records of the 26211
bureau of motor vehicles, and shall be expended by each municipal 26212
corporation to plan, construct, reconstruct, repave, widen, 26213
maintain, repair, clear, and clean public highways, roads and 26214
streets; to maintain and repair bridges and viaducts; to purchase, 26215
erect, and maintain street and traffic signs and markers; to 26216
purchase, erect, and maintain traffic lights and signals; to pay 26217
costs apportioned to the municipal corporation under section 26218
4907.47 of the Revised Code; to pay the principal, interest, and 26219
charges on bonds and other obligations issued pursuant to Chapter 26220
133. of the Revised Code or incurred pursuant to section 5531.09 26221
of the Revised Code for the purpose of acquiring or constructing 26222

roads, highways, bridges, or viaducts or acquiring or making other 26223
highway improvements for which the municipal corporation may issue 26224
bonds; and to supplement revenue already available for these 26225
purposes. 26226

(3) The amount credited pursuant to divisions (B)(2)(b) and 26227
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 26228
equal proportions to the county treasurer of each county within 26229
the state and shall be used only for the purposes of planning, 26230
maintaining, and repairing the county system of public roads and 26231
highways within the county; the planning, construction, and repair 26232
of walks or paths along county roads in congested areas; the 26233
planning, construction, purchase, lease, and maintenance of 26234
suitable buildings for the housing and repair of county road 26235
machinery, housing of supplies, and housing of personnel 26236
associated with the machinery and supplies; the payment of costs 26237
apportioned to the county under section 4907.47 of the Revised 26238
Code; the payment of principal, interest, and charges on bonds and 26239
other obligations issued pursuant to Chapter 133. of the Revised 26240
Code or incurred pursuant to section 5531.09 of the Revised Code 26241
for the purpose of acquiring or constructing roads, highways, 26242
bridges, or viaducts or acquiring or making other highway 26243
improvements for which the board of county commissioners may issue 26244
bonds under that chapter; and the purchase, installation, and 26245
maintenance of traffic signal lights. 26246

(4) The amount credited pursuant to division (C) of section 26247
5735.26 of the Revised Code shall be paid in equal proportions to 26248
the county treasurer of each county for the purposes of planning, 26249
maintaining, constructing, widening, and reconstructing the county 26250
system of public roads and highways; paying principal, interest, 26251
and charges on bonds and other obligations issued pursuant to 26252
Chapter 133. of the Revised Code or incurred pursuant to section 26253
5531.09 of the Revised Code for the purpose of acquiring or 26254

constructing roads, highways, bridges, or viaducts or acquiring or 26255
making other highway improvements for which the board of county 26256
commissioners may issue bonds under that chapter; and paying costs 26257
apportioned to the county under section 4907.47 of the Revised 26258
Code. 26259

(5)(a) The amount credited pursuant to division (D) of 26260
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 26261
Revised Code shall be divided in equal proportions among the 26262
townships within the state. 26263

(b) As used in division (A)(5)(b) of this section, the 26264
"formula amount" for any township is the amount that would be 26265
allocated to that township if fifty per cent of the amount 26266
credited to townships pursuant to section 5735.291 of the Revised 26267
Code were allocated among townships in the state proportionate to 26268
the number of lane miles within the boundaries of the respective 26269
townships, as determined annually by the department of 26270
transportation, and the other fifty per cent of the amount 26271
credited pursuant to section 5735.291 of the Revised Code were 26272
allocated among townships in the state proportionate to the number 26273
of motor vehicles registered within the respective townships, as 26274
determined annually by the records of the bureau of motor 26275
vehicles. 26276

Beginning on August 15, 2003, the tax levied by section 26277
5735.29 of the Revised Code shall be partially allocated to 26278
provide funding for townships. Each township shall receive the 26279
greater of the following two calculations: 26280

(i) The total statewide amount credited to townships under 26281
division (A) of section 5735.291 of the Revised Code divided by 26282
the number of townships in the state at the time of the 26283
calculation; 26284

(ii) Seventy per cent of the formula amount for that 26285

township. 26286

(c) The total difference between the amount of money credited 26287
to townships under division (A) of section 5735.291 of the Revised 26288
Code and the total amount of money required to make all the 26289
payments specified in division (A)(5)(b) of this section shall be 26290
deducted, in accordance with division (B) of section 5735.291 of 26291
the Revised Code, from the revenues resulting from the tax levied 26292
pursuant to section 5735.29 of the Revised Code prior to crediting 26293
portions of such revenues to counties, municipal corporations, and 26294
the highway operating fund. 26295

(d) All amounts credited pursuant to divisions (A)(5)(a) and 26296
(b) of this section shall be paid to the county treasurer of each 26297
county for the total amount payable to the townships within each 26298
of the counties. The county treasurer shall pay to each township 26299
within the county its proportional share of the funds, which shall 26300
be expended by each township ~~for the sole purpose~~ only for the 26301
purposes of planning, constructing, maintaining, widening, and 26302
reconstructing the public roads and highways within the township, 26303
paying principal, interest, and charges on obligations incurred 26304
pursuant to section 5531.09 of the Revised Code, and paying costs 26305
apportioned to the township under section 4907.47 of the Revised 26306
Code. 26307

No part of the funds designated for road and highway purposes 26308
shall be used for any purpose except to pay in whole or part the 26309
contract price of any such work done by contract, or to pay the 26310
cost of labor in planning, constructing, widening, and 26311
reconstructing such roads and highways, and the cost of materials 26312
forming a part of the improvement; provided that the funds may be 26313
used for the purchase of road machinery and equipment and for the 26314
planning, construction, and maintenance of suitable buildings for 26315
housing road machinery and equipment, and that all such 26316
improvement of roads shall be under supervision and direction of 26317

the county engineer as provided in section 5575.07 of the Revised Code. No obligation against the funds shall be incurred unless plans and specifications for the improvement, approved by the county engineer, are on file in the office of the township fiscal officer, and all contracts for material and for work done by contract shall be approved by the county engineer before being signed by the board of township trustees. The board of township trustees of any township may pass a resolution permitting the board of county commissioners to expend the township's share of the funds, or any portion of it, for the improvement of the roads within the township as may be designated in the resolution.

All investment earnings of the fund shall be credited to the fund.

(B) Amounts credited to the highway operating fund pursuant to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and division (A) of section 5735.26 of the Revised Code shall be expended in the following manner:

(1) The amount credited pursuant to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 of the Revised Code shall be apportioned to and expended by the department of transportation for the purposes of planning, maintaining, repairing, and keeping in passable condition for travel the roads and highways of the state required by law to be maintained by the department; paying the costs apportioned to the state under section 4907.47 of the Revised Code; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; and paying the costs of the department of public safety in administering and enforcing the state law relating to the registration and operation of motor vehicles.

(2) The amount credited pursuant to division (A) of section 26350
5735.26 of the Revised Code shall be used for paying the state's 26351
share of the cost of planning, constructing, widening, 26352
maintaining, and reconstructing the state highways; paying that 26353
portion of the construction cost of a highway project which a 26354
county, township, or municipal corporation normally would be 26355
required to pay, but which the director of transportation, 26356
pursuant to division (B) of section 5531.08 of the Revised Code, 26357
determines instead will be paid from moneys in the highway 26358
operating fund; and also for supplying the state's share of the 26359
cost of eliminating railway grade crossings upon such highways and 26360
costs apportioned to the state under section 4907.47 of the 26361
Revised Code. The director of transportation may expend portions 26362
of such amount upon extensions of state highways within municipal 26363
corporations or upon portions of state highways within municipal 26364
corporations, as is provided by law. 26365

Sec. 5739.011. (A) As used in this section: 26366

(1) "Manufacturer" means a person who is engaged in 26367
manufacturing, processing, assembling, or refining a product for 26368
sale, and solely for the purposes of division (B)(12) of this 26369
section, a person who meets all the qualifications of that 26370
division. 26371

(2) "Manufacturing facility" means a single location where a 26372
manufacturing operation is conducted, including locations 26373
consisting of one or more buildings or structures in a contiguous 26374
area owned or controlled by the manufacturer. 26375

(3) "Materials handling" means the movement of the product 26376
being or to be manufactured, during which movement the product is 26377
not undergoing any substantial change or alteration in its state 26378
or form. 26379

(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product.

(5) "Completed product" means a manufactured item that is in the form and condition as it will be sold by the manufacturer. An item is completed when all processes that change or alter its state or form or enhance its value are finished, even though the item subsequently will be tested to ensure its quality or be packaged for storage or shipment.

(6) "Continuous manufacturing operation" means the process in which raw materials or components are moved through the steps whereby manufacturing occurs. Materials handling of raw materials or parts from the point of receipt or preproduction storage or of a completed product, to or from storage, to or from packaging, or to the place from which the completed product will be shipped, is not a part of a continuous manufacturing operation.

(B) For purposes of division (B)~~(43)~~(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" includes, but is not limited to, any of the following:

(1) Production machinery and equipment that act upon the product or machinery and equipment that treat the materials or parts in preparation for the manufacturing operation;

(2) Materials handling equipment that moves the product through a continuous manufacturing operation; equipment that temporarily stores the product during the manufacturing operation; or, excluding motor vehicles licensed to operate on public highways, equipment used in intraplant or interplant transfers of work in process where the plant or plants between which such transfers occur are manufacturing facilities operated by the same person;

(3) Catalysts, solvents, water, acids, oil, and similar consumables that interact with the product and that are an

integral part of the manufacturing operation;	26411
(4) Machinery, equipment, and other tangible personal	26412
property used during the manufacturing operation that control,	26413
physically support, produce power for, lubricate, or are otherwise	26414
necessary for the functioning of production machinery and	26415
equipment and the continuation of the manufacturing operation;	26416
(5) Machinery, equipment, fuel, power, material, parts, and	26417
other tangible personal property used to manufacture machinery,	26418
equipment, or other tangible personal property used in	26419
manufacturing a product for sale;	26420
(6) Machinery, equipment, and other tangible personal	26421
property used by a manufacturer to test raw materials, the product	26422
being manufactured, or the completed product;	26423
(7) Machinery and equipment used to handle or temporarily	26424
store scrap that is intended to be reused in the manufacturing	26425
operation at the same manufacturing facility;	26426
(8) Coke, gas, water, steam, and similar substances used in	26427
the manufacturing operation; machinery and equipment used for, and	26428
fuel consumed in, producing or extracting those substances;	26429
machinery, equipment, and other tangible personal property used to	26430
treat, filter, pump, or otherwise make the substance suitable for	26431
use in the manufacturing operation; and machinery and equipment	26432
used for, and fuel consumed in, producing electricity for use in	26433
the manufacturing operation;	26434
(9) Machinery, equipment, and other tangible personal	26435
property used to transport or transmit electricity, coke, gas,	26436
water, steam, or similar substances used in the manufacturing	26437
operation from the point of generation, if produced by the	26438
manufacturer, or from the point where the substance enters the	26439
manufacturing facility, if purchased by the manufacturer, to the	26440
manufacturing operation;	26441

(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;

(11) Parts, components, and repair and installation services for items described in division (B) of this section;

(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil or dirt from, or otherwise preparing in a suitable condition for use, towels, linens, articles of clothing, or other fabric items, to be supplied to a consumer as part of laundry and dry cleaning services as defined in division (BB) of section 5739.01 of the Revised Code, only when the towels, linens, articles of clothing, or other fabric items belong to the provider of the services.

(C) For purposes of division (B)~~(43)~~(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" does not include any of the following:

(1) Tangible personal property used in administrative, personnel, security, inventory control, record-keeping, ordering, billing, or similar functions;

(2) Tangible personal property used in storing raw materials or parts prior to the commencement of the manufacturing operation or used to handle or store a completed product, including storage that actively maintains a completed product in a marketable state or form;

(3) Tangible personal property used to handle or store scrap or waste intended for disposal, sale, or other disposition, other

than reuse in the manufacturing operation at the same	26473
manufacturing facility;	26474
(4) Tangible personal property that is or is to be	26475
incorporated into realty;	26476
(5) Machinery, equipment, and other tangible personal	26477
property used for ventilation, dust or gas collection, humidity or	26478
temperature regulation, or similar environmental control, except	26479
machinery, equipment, and other tangible personal property that	26480
totally regulates the environment in a special and limited area of	26481
the manufacturing facility where the regulation is essential for	26482
production to occur;	26483
(6) Tangible personal property used for the protection and	26484
safety of workers, unless the property is attached to or	26485
incorporated into machinery and equipment used in a continuous	26486
manufacturing operation;	26487
(7) Tangible personal property used to store fuel, water,	26488
solvents, acid, oil, or similar items consumed in the	26489
manufacturing operation;	26490
(8) Machinery, equipment, and other tangible personal	26491
property used to clean, repair, or maintain real or personal	26492
property in the manufacturing facility;	26493
(9) Motor vehicles registered for operation on public	26494
highways.	26495
(D) For purposes of division (B) (43) <u>(42)</u> (g) of section	26496
5739.02 of the Revised Code, if the "thing transferred" is a	26497
machine used by a manufacturer in both a taxable and an exempt	26498
manner, it shall be totally taxable or totally exempt from	26499
taxation based upon its quantified primary use. If the "things	26500
transferred" are fungibles, they shall be taxed based upon the	26501
proportion of the fungibles used in a taxable manner.	26502

Sec. 5739.026. (A) A board of county commissioners may levy a 26503
tax of one-fourth or one-half of one per cent on every retail sale 26504
in the county, except sales of watercraft and outboard motors 26505
required to be titled pursuant to Chapter 1548. of the Revised 26506
Code and sales of motor vehicles, and may increase an existing 26507
rate of one-fourth of one per cent to one-half of one per cent, to 26508
pay the expenses of administering the tax and, except as provided 26509
in division (A)(6) of this section, for any one or more of the 26510
following purposes provided that the aggregate levy for all such 26511
purposes does not exceed one-half of one per cent: 26512

(1) To provide additional revenues for the payment of bonds 26513
or notes issued in anticipation of bonds issued by a convention 26514
facilities authority established by the board of county 26515
commissioners under Chapter 351. of the Revised Code and to 26516
provide additional operating revenues for the convention 26517
facilities authority; 26518

(2) To provide additional revenues for a transit authority 26519
operating in the county; 26520

(3) To provide additional revenue for the county's general 26521
fund; 26522

(4) To provide additional revenue for permanent improvements 26523
within the county to be distributed by the community improvements 26524
board in accordance with section 307.283 and to pay principal, 26525
interest, and premium on bonds issued under section 307.284 of the 26526
Revised Code; 26527

(5) To provide additional revenue for the acquisition, 26528
construction, equipping, or repair of any specific permanent 26529
improvement or any class or group of permanent improvements, which 26530
improvement or class or group of improvements shall be enumerated 26531
in the resolution required by division (D) of this section, and to 26532

pay principal, interest, premium, and other costs associated with 26533
the issuance of bonds or notes in anticipation of bonds issued 26534
pursuant to Chapter 133. of the Revised Code for the acquisition, 26535
construction, equipping, or repair of the specific permanent 26536
improvement or class or group of permanent improvements; 26537

(6) To provide revenue for the implementation and operation 26538
of a 9-1-1 system in the county. If the tax is levied or the rate 26539
increased exclusively for such purpose, the tax shall not be 26540
levied or the rate increased for more than five years. At the end 26541
of the last year the tax is levied or the rate increased, any 26542
balance remaining in the special fund established for such purpose 26543
shall remain in that fund and be used exclusively for such purpose 26544
until the fund is completely expended, and, notwithstanding 26545
section 5705.16 of the Revised Code, the board of county 26546
commissioners shall not petition for the transfer of money from 26547
such special fund, and the tax commissioner shall not approve such 26548
a petition. 26549

If the tax is levied or the rate increased for such purpose 26550
for more than five years, the board of county commissioners also 26551
shall levy the tax or increase the rate of the tax for one or more 26552
of the purposes described in divisions (A)(1) to (5) of this 26553
section and shall prescribe the method for allocating the revenues 26554
from the tax each year in the manner required by division (C) of 26555
this section. 26556

(7) To provide additional revenue for the operation or 26557
maintenance of a detention facility, as that term is defined under 26558
division (F) of section 2921.01 of the Revised Code; 26559

(8) To provide revenue to finance the construction or 26560
renovation of a sports facility, but only if the tax is levied for 26561
that purpose in the manner prescribed by section 5739.028 of the 26562
Revised Code. 26563

As used in division (A)(8) of this section: 26564

(a) "Sports facility" means a facility intended to house 26565
major league professional athletic teams. 26566

(b) "Constructing" or "construction" includes providing 26567
fixtures, furnishings, and equipment. 26568

(9) To provide additional revenue for the acquisition of 26569
agricultural easements, as defined in section 5301.67 of the 26570
Revised Code; to pay principal, interest, and premium on bonds 26571
issued under section 133.60 of the Revised Code; and for the 26572
supervision and enforcement of agricultural easements held by the 26573
county; 26574

(10) To provide revenue for the provision of ambulance, 26575
paramedic, or other emergency medical services. 26576

Pursuant to section 755.171 of the Revised Code, a board of 26577
county commissioners may pledge and contribute revenue from a tax 26578
levied for the purpose of division (A)(5) of this section to the 26579
payment of debt charges on bonds issued under section 755.17 of 26580
the Revised Code. 26581

The rate of tax shall be a multiple of one-fourth of one per 26582
cent, unless a portion of the rate of an existing tax levied under 26583
section 5739.023 of the Revised Code has been reduced, and the 26584
rate of tax levied under this section has been increased, pursuant 26585
to section 5739.028 of the Revised Code, in which case the 26586
aggregate of the rates of tax levied under this section and 26587
section 5739.023 of the Revised Code shall be a multiple of 26588
one-fourth of one per cent. The tax shall be levied and the rate 26589
increased pursuant to a resolution adopted by a majority of the 26590
members of the board. The board shall deliver a certified copy of 26591
the resolution to the tax commissioner, not later than the 26592
sixty-fifth day prior to the date on which the tax is to become 26593
effective, which shall be the first day of a calendar quarter. 26594

Prior to the adoption of any resolution to levy the tax or to increase the rate of tax exclusively for the purpose set forth in division (A)(3) of this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be no fewer than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county once a week on the same day of the week for two consecutive weeks, the second publication being no fewer than ten nor more than thirty days prior to the first hearing. Except as provided in division (E) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code. ~~Unless the resolution is adopted as an emergency measure, or is to be submitted to the electors of the county under division (D)(2)(a) of this section, the resolution shall be adopted at least one hundred twenty days prior to the date on which the tax or the increased rate of tax is to go into effect.~~ If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for the necessity.

If the tax is for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, or is exclusively for one of the purposes set forth in division (A)(1), (2), (4), (5), (6), (7), (9), or (10) of this section, the resolution shall not go into effect unless it is approved by a majority of the electors voting on the question of the tax.

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before

adopting a resolution levying a tax for the purpose of a 26627
convention facilities authority under division (A)(1) of this 26628
section or for the purpose of a community improvements board under 26629
division (A)(4) of this section. 26630

(C)(1) If the tax is to be used for more than one of the 26631
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 26632
this section, the board of county commissioners shall establish 26633
the method that will be used to determine the amount or proportion 26634
of the tax revenue received by the county during each year that 26635
will be distributed for each of those purposes, including, if 26636
applicable, provisions governing the reallocation of a convention 26637
facilities authority's allocation if the authority is dissolved 26638
while the tax is in effect. The allocation method may provide that 26639
different proportions or amounts of the tax shall be distributed 26640
among the purposes in different years, but it shall clearly 26641
describe the method that will be used for each year. Except as 26642
otherwise provided in division (C)(2) of this section, the 26643
allocation method established by the board is not subject to 26644
amendment during the life of the tax. 26645

(2) Subsequent to holding a public hearing on the proposed 26646
amendment, the board of county commissioners may amend the 26647
allocation method established under division (C)(1) of this 26648
section for any year, if the amendment is approved by the 26649
governing board of each entity whose allocation for the year would 26650
be reduced by the proposed amendment. In the case of a tax that is 26651
levied for a continuing period of time, the board may not so amend 26652
the allocation method for any year before the sixth year that the 26653
tax is in effect. 26654

(a) If the additional revenues provided to the convention 26655
facilities authority are pledged by the authority for the payment 26656
of convention facilities authority revenue bonds for as long as 26657
such bonds are outstanding, no reduction of the authority's 26658

allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied;

the number of years for which it is to be levied or that it is for 26690
a continuing period of time; the allocation method required by 26691
division (C) of this section; and if required to be submitted to 26692
the electors of the county under division (A) of this section, the 26693
date of the election at which the proposal shall be submitted to 26694
the electors of the county, which shall be not less than 26695
seventy-five days after the certification of a copy of the 26696
resolution to the board of elections and, if the tax is to be 26697
levied exclusively for the purpose set forth in division (A)(3) of 26698
this section, shall not occur in February or August of any year. 26699
Upon certification of the resolution to the board of elections, 26700
the board of county commissioners shall notify the tax 26701
commissioner in writing of the levy question to be submitted to 26702
the electors. If approved by a majority of the electors, the tax 26703
shall become effective on the first day of a calendar quarter next 26704
following the sixty-fifth day following the date the board of 26705
county commissioners and tax commissioner receive from the board 26706
of elections the certification of the results of the election, 26707
except as provided in division (E) of this section. 26708

(2)(a) A resolution specifying that the tax is to be used 26709
exclusively for the purpose set forth in division (A)(3) of this 26710
section that is not adopted as an emergency measure may direct the 26711
board of elections to submit the question of levying the tax or 26712
increasing the rate of the tax to the electors of the county at a 26713
special election held on the date specified by the board of county 26714
commissioners in the resolution, provided that the election occurs 26715
not less than seventy-five days after the resolution is certified 26716
to the board of elections and the election is not held in February 26717
or August of any year. Upon certification of the resolution to the 26718
board of elections, the board of county commissioners shall notify 26719
the tax commissioner in writing of the levy question to be 26720
submitted to the electors. No resolution adopted under division 26721

(D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than seventy-five days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner received notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(c) A board of county commissioners, by resolution, may 26754
reduce the rate of a tax levied exclusively for the purpose set 26755
forth in division (A)(3) of this section to a lower rate 26756
authorized by this section. Any such reduction shall be made 26757
effective on the first day of the calendar quarter next following 26758
the sixty-fifth day after the tax commissioner receives a 26759
certified copy of the resolution from the board. 26760

(E) If a vendor that is registered with the central 26761
electronic registration system provided for in section 5740.05 of 26762
the Revised Code makes a sale in this state by printed catalog and 26763
the consumer computed the tax on the sale based on local rates 26764
published in the catalog, any tax levied or repealed or rate 26765
changed under this section shall not apply to such a sale until 26766
the first day of a calendar quarter following the expiration of 26767
one hundred twenty days from the date of notice by the tax 26768
commissioner pursuant to division (G) of this section. 26769

(F) The tax levied pursuant to this section shall be in 26770
addition to the tax levied by section 5739.02 of the Revised Code 26771
and any tax levied pursuant to section 5739.021 or 5739.023 of the 26772
Revised Code. 26773

A county that levies a tax pursuant to this section shall 26774
levy a tax at the same rate pursuant to section 5741.023 of the 26775
Revised Code. 26776

The additional tax levied by the county shall be collected 26777
pursuant to section 5739.025 of the Revised Code. 26778

Any tax levied pursuant to this section is subject to the 26779
exemptions provided in section 5739.02 of the Revised Code and in 26780
addition shall not be applicable to sales not within the taxing 26781
power of a county under the Constitution of the United States or 26782
the Ohio Constitution. 26783

(G) Upon receipt from a board of county commissioners of a 26784

certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.211. (A) The moneys received by a county levying an additional sales tax pursuant to section 5739.021 of the Revised Code shall be deposited in the county general fund to be expended for any purpose for which general fund moneys of the county may be used, including the acquisition or construction of permanent improvements or to make payments in accordance with section 333.06 or 333.07 of the Revised Code, or in the bond retirement fund for the payment of debt service charges on notes or bonds of the county issued for the acquisition or construction ~~or~~ of permanent improvements. The amounts to be deposited in each of such funds shall be determined by the board of county commissioners.

(B) The moneys received by a county levying an additional sales tax pursuant to section 5739.026 of the Revised Code shall be deposited in a separate fund, which shall be allocated and distributed in accordance with the resolution adopted under such section. Moneys allocated for the purpose of division (A)(4) of section 5739.026 of the Revised Code shall be transferred to and disbursed from the community improvements fund in the county treasury. Notwithstanding section 135.351 of the Revised Code, if an allocation of moneys to a convention facilities authority or a transit authority is required pursuant to division (C) of section

5739.026 of the Revised Code, the county shall pay and distribute 26816
each authority's share of any such moneys to its fiscal officer 26817
within five business days of the date of their receipt by the 26818
county. If the moneys allocated under such division are not so 26819
paid, the county shall pay to such authority any interest that the 26820
county has received or will receive on such moneys that accrues 26821
from the date the county received the moneys, together with the 26822
principal amount of such moneys. 26823

(C) The moneys received by a transit authority levying an 26824
additional sales tax pursuant to section 5739.023 of the Revised 26825
Code shall be deposited in such fund or funds of the transit 26826
authority as determined by the legislative authority of the 26827
transit authority to be expended for any purpose for which a 26828
county transit board or the board of county commissioners 26829
operating a county transit system, in the case of a county, or the 26830
board of trustees of a regional transit authority, in the case of 26831
a regional transit authority, may expend moneys under their 26832
control, including the purchase, acquisition, construction, 26833
replacement, improvement, extension, or enlargement of permanent 26834
improvements and for the payment of debt service charges on notes 26835
or bonds of the transit authority. 26836

Sec. 5741.031. (A) The funds received by a county levying an 26837
additional use tax pursuant to section 5741.021 of the Revised 26838
Code shall be deposited in the county general fund to be expended 26839
for any purpose for which general fund moneys of the county may be 26840
used, including the acquisition or construction of permanent 26841
improvements or to make payments in accordance with section 333.06 26842
or 333.07 of the Revised Code, or in the bond retirement fund for 26843
the payment of debt service charges on notes or bonds of the 26844
county issued for the acquisition or construction of permanent 26845
improvements, ~~or in the bond retirement fund for the payment of~~ 26846

~~debt service charges on notes or bonds of the county issued for~~ 26847
~~the acquisition or construction of permanent improvements.~~ The 26848
amounts to be deposited in each of such funds shall be determined 26849
by the board of county commissioners. 26850

(B) The moneys received by a county levying an additional use 26851
tax pursuant to section 5741.023 of the Revised Code shall be 26852
deposited in a separate fund, which shall be allocated, 26853
distributed, and used in accordance with the resolution adopted 26854
under section 5739.026 of the Revised Code. Moneys allocated for 26855
the purpose of division (A)(4) of section 5739.026 of the Revised 26856
Code shall be transferred to and disbursed from the community 26857
improvements fund in the county treasury. Notwithstanding section 26858
135.351 of the Revised Code, if an allocation of moneys to a 26859
convention facilities authority or a transit authority is required 26860
pursuant to division (C) of section 5739.026 of the Revised Code, 26861
the county shall pay and distribute each authority's share of any 26862
such moneys to its fiscal officer within five business days of the 26863
date of their receipt by the county. If the moneys allocated under 26864
such division are not so paid, the county shall pay to such 26865
authority any interest that the county has received or will 26866
receive on such moneys that accrues from the date the county 26867
received the moneys, together with the principal amount of such 26868
moneys. 26869

(C) The funds received by a transit authority levying an 26870
additional use tax pursuant to section 5741.022 of the Revised 26871
Code shall be deposited in such fund or funds of the transit 26872
authority as determined by the legislative authority of the 26873
transit authority to be expended for any purpose for which a 26874
county transit board or the board of county commissioners 26875
operating a county transit system, in the case of a county, or the 26876
board of trustees of a regional transit authority, in the case of 26877
a regional transit authority, may expend moneys under their 26878

control, including the purchase, acquisition, construction, 26879
replacement, improvement, extension, or enlargement of permanent 26880
improvements or in the bond retirement fund for the payment of 26881
debt service charges on notes or bonds of the transit authority. 26882

Sec. 5743.021. (A) As used in this section, "qualifying 26883
regional arts and cultural district" means a regional arts and 26884
cultural district created under section 3381.04 of the Revised 26885
Code in a county having a population of one million two hundred 26886
thousand or more according to the 2000 federal decennial census. 26887

(B) For one or more of the purposes for which a tax may be 26888
levied under section 3381.16 of the Revised Code and for the 26889
purposes of paying the expenses of administering the tax and the 26890
expenses charged by a board of elections to hold an election on a 26891
question submitted under this section, the board of trustees of a 26892
qualifying regional arts and cultural district may levy a tax on 26893
the sale of cigarettes sold for resale at retail in the county 26894
composing the district. The rate of the tax, when added to the 26895
rate of any other tax concurrently levied by the board under this 26896
section, shall not exceed fifteen mills per cigarette, and shall 26897
be computed on each cigarette sold. Only one sale of the same 26898
article shall be used in computing the amount of tax due. The tax 26899
may be levied for any number of years not exceeding ten years. 26900

The tax shall be levied pursuant to a resolution of the board 26901
of trustees approved by a majority of the electors in the county 26902
voting on the question of levying the tax. The resolution shall 26903
specify the rate of the tax, the number of years the tax will be 26904
levied, and the purposes for which the tax is levied. The election 26905
may be held on the date of a general, primary, or special election 26906
held not sooner than seventy-five days after the date the board 26907
certifies its resolution to the board of elections. If approved by 26908
the electors, the tax shall take effect on the first day of the 26909

month specified in the resolution but not sooner than the first
day of the month that is at least sixty days after the
certification of the election results by the board of elections. A
copy of the resolution levying the tax shall be certified to the
tax commissioner at least sixty days prior to the date on which
the tax is to become effective.

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(C) The form of the ballot in an election held under this
section shall be as follows, or in any other form acceptable to
the secretary of state:

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"For the purpose of (insert the purpose or
purposes of the tax), shall an excise tax be levied throughout
..... County by the (name of the qualifying
regional arts and cultural district) on the sale of cigarettes at
wholesale at the rate of mills per cigarette for years?

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	<u>For the tax</u>	"
	<u>Against the tax</u>	

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(D) The treasurer of state shall credit all moneys arising
from each district's taxes levied under this section and section
5743.321 of the Revised Code as follows:

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(1) To the tax refund fund created by section 5703.052 of the
Revised Code, amounts equal to the refunds from each tax levied
under this section certified by the tax commissioner pursuant to
section 5743.05 of the Revised Code;

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(2) Following the crediting of amounts pursuant to division
(D)(1) of this section:

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(a) To the permissive tax distribution fund created under
section 4301.423 of the Revised Code, an amount equal to
ninety-eight per cent of the remainder collected;

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(b) To the local excise tax administrative fund, which is

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hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

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On or before the second working day of each month, the treasurer of state shall certify to the tax commissioner the amount of each district's taxes levied under sections 5743.021 and 5743.321 of the Revised Code and paid to the treasurer of state during the preceding month.

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On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

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Sec. 5743.025. In addition to the return required by section 5743.03 of the Revised Code, each retail dealer in a county ~~levying in which a tax is levied~~ under section ~~5743.021, 5743.024,~~ or 5743.026 of the Revised Code shall, within thirty days after the date on which ~~a tax levied under such section~~ the tax takes effect, make and file a return, on forms prescribed by the tax commissioner, showing the total number of cigarettes which such retail dealer had on hand as of the beginning of business on the date on which the tax takes effect, and such other information as the commissioner deems necessary for the administration of section ~~5743.021, 5743.024,~~ or 5743.026 of the Revised Code. Each retail dealer shall deliver the return together with a remittance of the additional amount of tax due on the cigarettes shown on such return to the treasurer of state. The treasurer of state shall stamp or otherwise mark on the return the date it was received and shall also show thereon by stamp or otherwise the tax payment remitted with the return. Thereafter, the treasurer of state shall immediately transmit all returns filed under this section to the

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tax commissioner. Any retail dealer who fails to file a return 26971
under this section shall, for each day the retail dealer so fails, 26972
forfeit and pay into the state treasury the sum of one dollar as 26973
revenue arising from the tax imposed by section 5743.021, 26974
5743.024, or 5743.026 of the Revised Code, and such sum may be 26975
collected by assessment in the manner provided in section 5743.081 26976
of the Revised Code. For thirty days after the effective date of a 26977
tax imposed by section 5743.021, 5743.024, or 5743.026 of the 26978
Revised Code, a retail dealer may possess for sale or sell in the 26979
county in which the tax is levied cigarettes not bearing the stamp 26980
or impression required by section 5743.03 of the Revised Code to 26981
evidence payment of the county tax but on which the tax has or 26982
will be paid. 26983

Sec. 5743.03. (A) Except as provided in section 5743.04 of 26984
the Revised Code, the taxes imposed under sections 5743.02, 26985
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 26986
by the purchase of stamps. A stamp shall be affixed to each 26987
package of an aggregate denomination not less than the amount of 26988
the tax upon the contents thereof. The stamp, so affixed, shall be 26989
prima-facie evidence of payment of the tax. 26990

Except as is provided in the rules prescribed by the tax 26991
commissioner under authority of sections 5743.01 to 5743.20 of the 26992
Revised Code, and unless tax stamps have been previously affixed, 26993
they shall be so affixed by each wholesale dealer, and canceled by 26994
writing or stamping across the face thereof the number assigned to 26995
such wholesale dealer by the tax commissioner for that purpose, 26996
prior to the delivery of any cigarettes to any person in this 26997
state, or in the case of a tax levied pursuant to section 26998
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 26999
delivery of cigarettes to any person in the county in which the 27000
tax is levied. 27001

(B) Except as provided in the rules prescribed by the 27002
commissioner under authority of sections 5743.01 to 5743.20 of the 27003
Revised Code, each retail dealer, within twenty-four hours after 27004
the receipt of any cigarettes at the retail dealer's place of 27005
business, shall inspect the cigarettes to ensure that tax stamps 27006
are affixed. The inspection shall be completed before the 27007
cigarettes are delivered to any person in this state, or, in the 27008
case of a tax levied pursuant to section 5743.021, 5743.024, or 27009
5743.026 of the Revised Code, before the cigarettes are delivered 27010
to any person in the county in which the tax is levied. 27011

(C) Whenever any cigarettes are found in the place of 27012
business of any retail dealer without proper tax stamps affixed 27013
thereto and canceled, it is presumed that such cigarettes are kept 27014
therein in violation of sections 5743.01 to 5743.20 of the Revised 27015
Code. 27016

(D) Each wholesale dealer who purchases cigarettes without 27017
proper tax stamps affixed thereto shall, on or before the 27018
thirty-first day of the month following the close of each 27019
semiannual period, which period shall end on the thirtieth day of 27020
June and the thirty-first day of December of each year, make and 27021
file a return of the preceding semiannual period, on such form as 27022
is prescribed by the tax commissioner, showing the dealer's entire 27023
purchases and sales of cigarettes and stamps or impressions for 27024
such semiannual period and accurate inventories as of the 27025
beginning and end of each semiannual period of cigarettes, stamped 27026
or unstamped; cigarette tax stamps affixed or unaffixed and unused 27027
meter impressions; and such other information as the commissioner 27028
finds necessary to the proper administration of sections 5743.01 27029
to 5743.20 of the Revised Code. The commissioner may extend the 27030
time for making and filing returns and may remit all or any part 27031
of amounts of penalties that may become due under sections 5743.01 27032
to 5743.20 of the Revised Code. The wholesale dealer shall deliver 27033

the return together with a remittance of the tax deficiency 27034
reported thereon to the treasurer of state. The treasurer of state 27035
shall stamp or otherwise mark on the return the date it was 27036
received and shall also show thereon by stamp or otherwise a 27037
payment or nonpayment of the deficiency shown by the return. 27038
Thereafter, the treasurer of state shall immediately transmit all 27039
returns filed under this section to the commissioner. 27040

(E) Any wholesale dealer who fails to file a return under 27041
this section and the rules of the commissioner, other than a 27042
report required pursuant to division (F) of this section, may be 27043
required, for each day the dealer so fails, to forfeit and pay 27044
into the state treasury the sum of one dollar as revenue arising 27045
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 27046
Code and such sum may be collected by assessment in the manner 27047
provided in section 5743.081 of the Revised Code. If the 27048
commissioner finds it necessary in order to insure the payment of 27049
the tax imposed by sections 5743.01 to 5743.20 of the Revised 27050
Code, the commissioner may require returns and payments to be made 27051
other than semiannually. The returns shall be signed by the 27052
wholesale dealer or an authorized agent thereof. 27053

(F) Each person required to file a tax return under section 27054
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 27055
the commissioner the quantity of all cigarettes and roll-your-own 27056
cigarette tobacco sold in Ohio for each brand not covered by the 27057
tobacco master settlement agreement for which the person is liable 27058
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 27059
the Revised Code. 27060

As used in this division, "tobacco master settlement 27061
agreement" has the same meaning as in section 183.01 of the 27062
Revised Code. 27063

(G) The report required by division (F) of this section shall 27064

be made on a form prescribed by the commissioner and shall be 27065
filed not later than the last day of each month for the previous 27066
month, except that if the commissioner determines that the 27067
quantity reported by a person does not warrant monthly reporting, 27068
the commissioner may authorize reporting at less frequent 27069
intervals. The commissioner may assess a penalty of not more than 27070
two hundred fifty dollars for each month or portion thereof that a 27071
person fails to timely file a required report, and such sum may be 27072
collected by assessment in the manner provided in section 5743.081 27073
of the Revised Code. All money collected under this division shall 27074
be considered as revenue arising from the taxes imposed by 27075
sections 5743.01 to 5743.20 of the Revised Code. 27076

Sec. 5743.04. The tax commissioner shall design and procure 27077
the stamps provided for in section 5743.03 of the Revised Code and 27078
shall enforce and administer sections 5743.01 to 5743.44 of the 27079
Revised Code. With respect to packages containing any number of 27080
cigarettes other than twenty, if the commissioner finds that it is 27081
practicable to collect the taxes levied under sections 5743.02, 27082
5743.021, 5743.024, and 5743.026 of the Revised Code by any method 27083
other than that provided in this section and section 5743.03 of 27084
the Revised Code, the commissioner may by rule prescribe such 27085
other method for payment of the taxes upon such packages of 27086
cigarettes as will adequately protect the revenue; provided, that 27087
in any case where the commissioner prescribes that the taxes upon 27088
such packages of cigarettes shall be paid on the basis of returns 27089
filed by a wholesale or retail dealer, said returns, together with 27090
a remittance of all taxes due as shown thereon, shall be filed 27091
with the treasurer of state not later than the tenth day of the 27092
month following the month in which such cigarettes are sold in 27093
this state. The commissioner may promulgate rules in accordance 27094
with sections 119.01 to 119.13 of the Revised Code as the 27095
commissioner deems necessary to carry out sections 5743.01 to 27096

5743.44 of the Revised Code and may adopt different detailed rules 27097
applicable to diverse methods and conditions of sale of 27098
cigarettes, prescribing, in each class of cases, upon whom, as 27099
between the wholesale dealer and the retail dealer, the primary 27100
duty of affixing stamps shall rest, and the manner in which stamps 27101
shall be affixed. A copy of such rules shall be furnished to every 27102
licensed dealer as provided in sections 119.01 to 119.13 of the 27103
Revised Code. Any such rule so furnished which excuses a wholesale 27104
dealer from affixing stamps under the circumstances of the 27105
particular case shall be a defense in the prosecution of such 27106
dealer for violation of section 5743.03 of the Revised Code. 27107

The commissioner, after determining that it is practicable to 27108
evidence payment of the taxes levied under sections 5743.02, 27109
5743.021, 5743.024, and 5743.026 of the Revised Code by impression 27110
made by a metering device, shall by resolution provide that such 27111
metering device may be used in lieu of the stamps otherwise 27112
provided for in section 5743.03 of the Revised Code. The 27113
commissioner may authorize any wholesale or retail dealer to use 27114
the metering device approved by the commissioner. Such device 27115
before being used shall be sealed by the treasurer of state, and 27116
shall be used only in accordance with the rules prescribed by the 27117
commissioner. 27118

Wholesale and retail dealers authorized to use said device 27119
shall prepay the tax represented by meter impressions and shall 27120
deliver the metering device to the treasurer of state or county 27121
treasurer in the county in which the place of business of any 27122
wholesaler or retailer is located if such treasurer is designated 27123
by the treasurer of state, who shall seal the meter in accordance 27124
with the prepayments so made. 27125

Sec. 5743.05. All stamps provided for by section 5743.03 of 27126
the Revised Code, when procured by the tax commissioner, shall be 27127

immediately delivered to the treasurer of state, who shall execute 27128
a receipt therefor showing the number and aggregate face value of 27129
each denomination received by the treasurer of state and any other 27130
information that the commissioner requires to enforce the 27131
collection and distribution of all taxes imposed under section 27132
5743.021, 5743.024, or 5743.026 of the Revised Code, and deliver 27133
the receipt to the commissioner. The treasurer of state shall sell 27134
the stamps and, on the fifth day of each month, make a report 27135
showing all sales made during the preceding month, with the names 27136
of purchasers, the number of each denomination, the aggregate face 27137
value purchased by each, and any other information as the 27138
commissioner requires to enforce the collection and distribution 27139
of all taxes imposed under section 5743.021, 5743.024, or 5743.026 27140
of the Revised Code, and deliver it to the commissioner. The 27141
treasurer of state shall be accountable for all stamps received 27142
and unsold. The stamps shall be sold and accounted for at their 27143
face value, except the commissioner shall, by rule certified to 27144
the treasurer of state, authorize the sale of stamps and meter 27145
impressions to wholesale or retail dealers in this state, or to 27146
wholesale dealers outside this state, at a discount of not less 27147
than one and eight-tenths per cent or more than ten per cent of 27148
their face value, as a commission for affixing and canceling the 27149
stamps or meter impressions. 27150

The commissioner, by rule certified to the treasurer of 27151
state, shall authorize the delivery of stamps and meter 27152
impressions to wholesale dealers in this state and to wholesale 27153
dealers outside this state on credit. If such a dealer has not 27154
been in good credit standing with this state for five consecutive 27155
years preceding the purchase, the tax commissioner shall require 27156
the dealer to file with the commissioner a bond to the state in 27157
the amount and in the form prescribed by the commissioner, with 27158
surety to the satisfaction of the commissioner, conditioned on 27159
payment to the treasurer of state within thirty days for stamps or 27160

meter impressions delivered within that time. If such a dealer has
been in good credit standing with this state for five consecutive
years preceding the purchase, the tax commissioner shall not
require that the dealer file such a bond but shall require payment
for the stamps and meter impressions within thirty days after
purchase of the stamps and meter impressions. Stamps and meter
impressions sold to a dealer not required to file a bond shall be
sold at face value. The maximum amount that may be sold on credit
to a dealer not required to file a bond shall equal one hundred
ten per cent of the dealer's average monthly purchases over the
preceding calendar year. The maximum amount shall be adjusted to
reflect any changes in the tax rate and may be adjusted, upon
application to the tax commissioner by the dealer, to reflect
changes in the business operations of the dealer. The maximum
amount shall be applicable to the period of July through April.
Payment by a dealer not required to file a bond shall be remitted
by electronic funds transfer as prescribed by section 5743.051 of
the Revised Code. If a dealer not required to file a bond fails to
make the payment in full within the thirty-day period, the
treasurer of state shall not thereafter sell stamps or meter
impressions to that dealer until the dealer pays the outstanding
amount, including penalty and interest on that amount as
prescribed in this chapter, and the commissioner thereafter may
require the dealer to file a bond until the dealer is restored to
good standing. The commissioner shall limit delivery of stamps and
meter impressions on credit to the period running from the first
day of July of the fiscal year until the first day of the
following May. Any discount allowed as a commission for affixing
and canceling stamps or meter impressions shall be allowed with
respect to sales of stamps and meter impressions on credit.

The treasurer of state shall redeem and pay for any
destroyed, unused, or spoiled tax stamps and any unused meter

impressions at their net value, and shall refund to wholesale
dealers the net amount of state and county taxes paid erroneously
or paid on cigarettes that have been sold in interstate or foreign
commerce or that have become unsalable, and the net amount of
county taxes that were paid on cigarettes that have been sold at
retail or for retail sale outside a taxing county.

An application for a refund of tax shall be filed with the
tax commissioner, on the form prescribed by the commissioner for
that purpose, within three years from the date the tax stamps are
destroyed or spoiled, from the date of the erroneous payment, or
from the date that cigarettes on which taxes have been paid have
been sold in interstate or foreign commerce or have become
unsalable.

On the filing of the application, the commissioner shall
determine the amount of refund to which the applicant is entitled,
payable from receipts of the state tax, and, if applicable,
payable from receipts of a county tax. If the amount is less than
that claimed, the commissioner shall certify the amount to the
director of budget and management and treasurer of state for
payment from the tax refund fund created by section 5703.052 of
the Revised Code. If the amount is less than that claimed, the
commissioner shall proceed in accordance with section 5703.70 of
the Revised Code.

If a refund is granted for payment of an illegal or erroneous
assessment issued by the department, the refund shall include
interest on the amount of the refund from the date of the
overpayment. The interest shall be computed at the rate per annum
prescribed by section 5703.47 of the Revised Code.

Sec. 5743.08. Whenever the tax commissioner discovers any
cigarettes which are being shipped, or which have been shipped, or
transported in violation of section 2927.023 of the Revised Code,

or discovers cigarettes, subject to the taxes levied under section 27224
5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, and 27225
upon which the taxes have not been paid or that are held for sale 27226
or distribution in violation of any other provision of this 27227
chapter, the commissioner may seize and take possession of such 27228
cigarettes, which shall thereupon be forfeited to the state, and 27229
the commissioner, within a reasonable time thereafter sell or 27230
destroy the forfeited cigarettes. If the commissioner sells 27231
cigarettes under this section, the commissioner shall use proceeds 27232
from the sale to pay the costs incurred in the proceedings. Any 27233
proceeds remaining after all costs have been paid shall be 27234
considered revenue arising from the taxes levied under this 27235
chapter. Seizure and sale shall not be deemed to relieve any 27236
person from the fine or imprisonment provided for violation of 27237
sections 5743.01 to 5743.20 of the Revised Code. A sale shall be 27238
made where it is most convenient and economical. The tax 27239
commissioner may order the destruction of the forfeited cigarettes 27240
if the quantity or quality of the cigarettes is not sufficient to 27241
warrant their sale. 27242

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 27243
fails to pay the tax levied under section 5743.02, 5743.021, 27244
5743.024, or 5743.026 of the Revised Code as required by sections 27245
5743.01 to 5743.20 of the Revised Code, and by the rules of the 27246
tax commissioner, or fails to collect the tax from the purchaser 27247
or consumer, the commissioner may make an assessment against the 27248
wholesale or retail dealer based upon any information in the 27249
commissioner's possession. 27250

The commissioner may make an assessment against any wholesale 27251
or retail dealer who fails to file a return required by section 27252
5743.03 or 5743.025 of the Revised Code. 27253

No assessment shall be made against any wholesale or retail 27254

dealer for any taxes imposed under section 5743.02, 5743.021, 27255
5743.024, or 5743.026 of the Revised Code more than three years 27256
after the last day of the calendar month that immediately follows 27257
the semiannual period prescribed in section 5743.03 of the Revised 27258
Code in which the sale was made, or more than three years after 27259
the semiannual return for such period is filed, whichever is 27260
later. This section does not bar an assessment against any 27261
wholesale or retail dealer who fails to file a return as required 27262
by section 5743.025 or 5743.03 of the Revised Code, or who files a 27263
fraudulent return. 27264

A penalty of up to thirty per cent may be added to the amount 27265
of every assessment made under this section. The commissioner may 27266
adopt rules providing for the imposition and remission of 27267
penalties added to assessments made under this section. 27268

The commissioner shall give the party assessed written notice 27269
of the assessment in the manner provided in section 5703.37 of the 27270
Revised Code. The notice shall specify separately any portion of 27271
the assessment that represents a county tax. With the notice, the 27272
commissioner shall provide instructions on how to petition for 27273
reassessment and request a hearing on the petition. 27274

(B) Unless the party assessed files with the tax commissioner 27275
within sixty days after service of the notice of assessment, 27276
either personally or by certified mail, a written petition for 27277
reassessment signed by the party assessed or that party's 27278
authorized agent having knowledge of the facts, the assessment 27279
becomes final and the amount of the assessment is due and payable 27280
from the party assessed to the treasurer of state. The petition 27281
shall indicate the objections of the party assessed, but 27282
additional objections may be raised in writing if received by the 27283
commissioner prior to the date shown on the final determination. 27284
If the petition has been properly filed, the commissioner shall 27285
proceed under section 5703.60 of the Revised Code. 27286

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the wholesale or retail dealer's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the commissioner's entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state cigarette sales tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as otherwise provided in sections 5743.01 to 5743.20 of the Revised Code.

The portion of the assessment not paid within sixty days after the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by sections 5743.01 to 5743.20 of the Revised Code.

Sec. 5743.12. No person shall make a false entry upon an

invoice, package, or container of cigarettes upon which an entry 27318
is required by sections 5743.01 to 5743.20 of the Revised Code, 27319
nor shall any person present any such false entry for the 27320
inspection of the tax commissioner with intent to evade the tax 27321
levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of 27322
the Revised Code. 27323

Sec. 5743.13. No person shall falsely or fraudulently make, 27324
forge, alter, or counterfeit any stamp prescribed by the tax 27325
commissioner under section 5743.03 of the Revised Code, or cause 27326
to be falsely or fraudulently made, forged, altered, or 27327
counterfeited any such stamp, or possess any counterfeiting 27328
device, or knowingly and willfully utter, publish, pass, or tender 27329
as true, any such false, altered, forged, or counterfeited stamp, 27330
or use more than once any such stamp for the purpose of evading 27331
the tax levied under section 5743.02, 5743.021, 5743.024, or 27332
5743.026 of the Revised Code. 27333

Sec. 5743.15. (A) No person shall engage in this state in the 27334
wholesale or retail business of trafficking in cigarettes or in 27335
the business of a manufacturer or importer of cigarettes without 27336
having a license to conduct each such activity issued by a county 27337
auditor under division (B) of this section or the tax commissioner 27338
under division (E) of this section, except that on dissolution of 27339
a partnership by death, the surviving partner may operate under 27340
the license of the partnership until expiration of the license, 27341
and the heirs or legal representatives of deceased persons, and 27342
receivers and trustees in bankruptcy appointed by any competent 27343
authority, may operate under the license of the person succeeded 27344
in possession by such heir, representative, receiver, or trustee 27345
in bankruptcy. 27346

(B) Each applicant for a license to engage in the wholesale 27347
or retail business of trafficking in cigarettes under this 27348

section, annually, on or before the fourth Monday of May, shall 27349
make and deliver to the county auditor of the county in which the 27350
applicant desires to engage in the wholesale or retail business of 27351
trafficking in cigarettes, upon a blank furnished by such auditor 27352
for that purpose, a statement showing the name of the applicant, 27353
each place in the county where the applicant's business is 27354
conducted, the nature of the business, and any other information 27355
the tax commissioner requires in the form of statement prescribed 27356
by the commissioner. If the applicant is a firm, partnership, or 27357
association other than a corporation, the application shall state 27358
the name and address of each of its members. If the applicant is a 27359
corporation, the application shall state the name and address of 27360
each of its officers. At the time of making the application 27361
required by this section, every person desiring to engage in the 27362
wholesale business of trafficking in cigarettes shall pay into the 27363
county treasury a license tax in the sum of two hundred dollars, 27364
or if desiring to engage in the retail business of trafficking in 27365
cigarettes, a license tax in the sum of thirty dollars for each of 27366
the first five places where the person proposes to carry on such 27367
business and twenty-five dollars for each additional place. Each 27368
place of business shall be deemed such space, under lease or 27369
license to, or under the control of, or under the supervision of 27370
the applicant, as is contained in one or more contiguous, 27371
adjacent, or adjoining buildings constituting an industrial plant 27372
or a place of business operated by, or under the control of, one 27373
person, or under one roof and connected by doors, halls, 27374
stairways, or elevators, which space may contain any number of 27375
points at which cigarettes are offered for sale, provided that 27376
each additional point at which cigarettes are offered for sale 27377
shall be listed in the application. 27378

Upon receipt of the application and exhibition of the county 27379
treasurer's receipt showing the payment of the tax, the county 27380

auditor shall issue to the applicant a license for each place of
business designated in the application, authorizing the applicant
to engage in such business at such place for one year commencing
on the fourth Monday of May. Companies operating club or dining
cars or other cars upon which cigarettes are sold shall obtain
licenses at railroad terminals within the state, under such rules
as are prescribed by the commissioner. The form of the license
shall be prescribed by the commissioner. A duplicate license may
be obtained from the county auditor upon payment of a fifty cent
fee if the original license is lost, destroyed, or defaced. When
an application is filed after the fourth Monday of May, the
license tax required to be paid shall be proportioned in amount to
the remainder of the license year, except that it shall not be
less than one fifth of the whole amount in any one year.

The holder of a wholesale or retail dealer's cigarette
license may transfer the license to a place of business within the
same county other than that designated on the license or may
assign the license to another person for use in the same county on
condition that the licensee or assignee, whichever is applicable,
make application to the county auditor therefor, upon forms
approved by the commissioner and the payment of a fee of one
dollar into the county treasury.

(C)(1) The wholesale cigarette license tax revenue collected
under this section shall be distributed as follows:

(a) Thirty-seven and one-half per cent shall be paid upon the
warrant of the county auditor into the treasury of the municipal
corporation or township in which the place of business for which
the tax revenue was received is located;

(b) Fifteen per cent shall be credited to the general fund of
the county;

(c) Forty-seven and one-half per cent shall be paid into the

cigarette tax enforcement fund created by division (C) of this section. 27412
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(2) The revenue collected from the thirty dollar tax imposed upon the first five places of business of a person engaged in the retail business of trafficking in cigarettes shall be distributed as follows: 27414
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(a) Sixty-two and one-half per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the places of business for which the tax revenue was received are located; 27418
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(b) Twenty-two and one-half per cent shall be credited to the general fund of the county; 27422
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(c) Fifteen per cent shall be paid into the cigarette tax enforcement fund created by division (C) of this section. 27424
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(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows: 27426
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(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located; 27429
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(b) One-fourth shall be credited to the general fund of the county. 27433
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(D) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 27435
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The portion of cigarette license tax revenues received by a county auditor during the annual application period that ends before the fourth Monday in May which is required to be deposited 27439
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in the cigarette tax enforcement fund shall be sent to the
treasurer of state by the thirtieth day of June each year. The
portion of license tax money received by each county auditor after
the fourth Monday in May which is required to be deposited in the
cigarette tax enforcement fund shall be sent to the treasurer of
state by the thirty-first day of December.

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(E)(1) Every person who desires to engage in the business of
a manufacturer or importer of cigarettes shall, annually, on or
before the fourth Monday of May, make and deliver to the tax
commissioner, upon a blank furnished by the commissioner for that
purpose, a statement showing the name of the applicant, the nature
of the applicant's business, and any other information required by
the commissioner. If the applicant is a firm, partnership, or
association other than a corporation, the applicant shall state
the name and address of each of its members. If the applicant is a
corporation, the applicant shall state the name and address of
each of its officers.

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Upon receipt of the application, the commissioner shall issue
to the applicant a license authorizing the applicant to engage in
the business of manufacturer or importer, whichever the case may
be, for one year commencing on the fourth Monday of May.

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(2) The issuing of a license under division (E)(1) of this
section to a manufacturer does not excuse a manufacturer from the
certification process required under section 1346.05 of the
Revised Code. A manufacturer who is issued a license ~~issued~~ under
division (E)(1) of this section ~~to a manufacturer and~~ and who is not
listed on the directory required under section 1346.05 of the
Revised Code shall ~~cease to be valid and shall be revoked by the~~
~~commissioner as provided in section 5743.18 of the Revised Code~~
not be permitted to sell cigarettes in this state other than to a
licensed cigarette wholesaler for sale outside this state. Such a
manufacturer shall provide documentation to the commissioner

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evidencing that the cigarettes are legal for sale in another 27474
state. 27475

(3) The tax commissioner may adopt rules necessary to 27476
administer division (E) of this section. 27477

Sec. 5743.321. For the same purposes for which it levies a 27478
tax under section 5743.021 of the Revised Code, the board of 27479
trustees of a qualifying regional arts and cultural district that 27480
levies a tax under that section, by resolution adopted by a 27481
majority of the board, shall levy a tax at the same rate on the 27482
use, consumption, or storage for consumption of cigarettes by 27483
consumers in the county in which that tax is levied, provided that 27484
the tax shall not apply if the tax levied by section 5743.021 of 27485
the Revised Code has been paid. The tax shall take effect on the 27486
date that a tax levied under that section takes effect, and shall 27487
remain in effect as long as the tax levied under that section 27488
remains effective. 27489

Sec. 5743.33. Except as provided in section 5747.331 of the 27490
Revised Code, every person who has acquired cigarettes for use, 27491
storage, or other consumption subject to the tax levied under 27492
section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised 27493
Code, shall, on or before the fifteenth day of the month following 27494
receipt of such cigarettes, file with the tax commissioner a 27495
return showing the amount of cigarettes acquired, together with 27496
remittance of the tax thereon. No such person shall transport 27497
within this state, cigarettes that have a wholesale value in 27498
excess of three hundred dollars, unless that person has obtained 27499
consent to transport the cigarettes from the department of 27500
taxation prior to such transportation. Such consent shall not be 27501
required if the applicable taxes levied under sections 5743.02, 27502
5743.021, 5743.024, and 5743.026 of the Revised Code have been 27503
paid. Application for the consent shall be in the form prescribed 27504

by the tax commissioner. 27505

Every person transporting such cigarettes shall possess the 27506
consent while transporting or possessing the cigarettes within 27507
this state and shall produce the consent upon request of any law 27508
enforcement officer or authorized agent of the tax commissioner. 27509

Any person transporting such cigarettes without the consent 27510
required by this section, shall be subject to the provisions of 27511
this chapter, including the applicable taxes imposed ~~by~~ under 27512
sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised 27513
Code. 27514

Sec. 5743.34. If any person required to pay the tax levied 27515
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 27516
Revised Code, fails to make remittance, the tax commissioner may 27517
issue an assessment against that person based on any information 27518
in the commissioner's possession. 27519

Sections 5743.081 and 5743.082 of the Revised Code relating 27520
to the assessments or findings, appeals from assessments or 27521
findings, the effect of assessments or findings before or after 27522
hearing and before or after filing the same in the office of the 27523
clerk of the court of common pleas, and all sections relating to 27524
the procedure, authority, duties, liabilities, powers, and 27525
privileges of the person assessed, the commissioner, the clerk, 27526
and all other public officials, shall be applicable to assessments 27527
made pursuant to this section. 27528

Sec. 5743.35. No person required by section 5743.33 of the 27529
Revised Code to file a return with the tax commissioner shall fail 27530
to make such return, or fail to pay the applicable taxes levied 27531
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 27532
Revised Code, or fail to pay any lawful assessment issued by the 27533
commissioner. 27534

Sec. 5745.01. As used in this chapter:	27535
(A) "Electric company," "combined company," and "telephone company," have the same meanings as in section 5727.01 of the Revised Code, except "telephone company" does not include a non profit corporation.	27536 27537 27538 27539
(B) "Electric light company" has the same meaning as in section 4928.01 of the Revised Code, and includes the activities of a combined company as an electric company, but excludes nonprofit companies and municipal corporations.	27540 27541 27542 27543
(C) "Taxpayer" means either of the following:	27544
(1) An electric light company subject to taxation by a municipal corporation in this state for a taxable year, excluding an electric light company that is not an electric company or a combined company and for which an election made under section 5745.031 of the Revised Code is not in effect with respect to the taxable year. If such a company is a qualified subchapter S subsidiary as defined in section 1361 of the Internal Revenue Code or a disregarded entity, the company's parent S corporation or owner is the taxpayer for the purposes of this chapter and is hereby deemed to have nexus with this state under the Constitution of the United States for the purposes of this chapter.	27545 27546 27547 27548 27549 27550 27551 27552 27553 27554 27555
(2) A telephone company subject to taxation by a municipal corporation in this state for a taxable year. A telephone company is subject to taxation under this chapter for any taxable year that begins on or after January 1, 2004. A telephone company with a taxable year ending in 2004 shall compute the tax imposed under this chapter, or shall compute its net operating loss carried forward for that taxable year, by multiplying the tax owed, or the loss for the taxable year, by fifty per cent.	27556 27557 27558 27559 27560 27561 27562 27563
(D) "Disregarded entity" means an entity that, for its	27564

taxable year, is by default, or has elected to be, disregarded as 27565
an entity separate from its owner pursuant to 26 C.F.R. 27566
301.7701-3. 27567

(E) "Taxable year" of a taxpayer is the taxpayer's taxable 27568
year for federal income tax purposes. 27569

(F) "Federal taxable income" means taxable income, before 27570
operating loss deduction and special deductions, as required to be 27571
reported for the taxpayer's taxable year under the Internal 27572
Revenue Code. 27573

(G) "Adjusted federal taxable income" means federal taxable 27574
income adjusted as follows: 27575

(1) Deduct intangible income as defined in section 718.01 of 27576
the Revised Code to the extent included in federal taxable income; 27577

(2) Add expenses incurred in the production of such 27578
intangible income; 27579

(3) If, with respect to a qualifying taxpayer and a 27580
qualifying asset there occurs a qualifying taxable event, the 27581
qualifying taxpayer shall reduce its federal taxable income, as 27582
defined in division (F) of this section, by the amount of the 27583
book-tax difference for that qualifying asset if the book-tax 27584
difference is greater than zero, and shall increase its federal 27585
taxable income by the absolute value of the amount of the book-tax 27586
difference for that qualifying asset if the book-tax difference is 27587
less than zero. The adjustments provided in division (G)(3) of 27588
this section are subject to divisions (B)(3), (4), and (5) of 27589
section 5733.0510 of the Revised Code to the extent those 27590
divisions apply to the adjustments in that section for the taxable 27591
year. A taxpayer shall not deduct or add any amount under division 27592
(G)(3) of this section with respect to a qualifying asset the 27593
sale, exchange, or other disposition of which resulted in the 27594
recognition of a gain or loss that the taxpayer deducted or added, 27595

respectively, under division (G)(1) or (2) of this section. 27596

For the purposes of division (G)(3) of this section, 27597
"book-tax difference," "qualifying taxpayer," "qualifying asset," 27598
and "qualifying taxable event" have the same meanings as in 27599
section 5733.0510 of the Revised Code. 27600

(4) If the taxpayer is not a C corporation and is not an 27601
individual, the taxpayer shall compute "adjusted federal taxable 27602
income" as if the taxpayer were a C corporation, except: 27603

(a) Guaranteed payments and other similar amounts paid or 27604
accrued to a partner, former partner, or member or former member 27605
shall not be allowed as a deductible expense; and 27606

(b) With respect to each owner or owner-employee of the 27607
taxpayer, amounts paid or accrued to a qualified self-employed 27608
retirement plan and amounts paid or accrued to or for health 27609
insurance or life insurance shall not be allowed as a deduction. 27610

Nothing in this division shall be construed as allowing the 27611
taxpayer to deduct any amount more than once. 27612

(5) Add or deduct the amounts described in section 5733.0511 27613
of the Revised Code for qualifying telephone company taxpayers. 27614

(H) "Internal Revenue Code" means the "Internal Revenue Code 27615
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as ~~it existed on December~~ 27616
~~31, 2001~~ amended. 27617

(I) "Ohio net income" means the amount determined under 27618
division (B) of section 5745.02 of the Revised Code. 27619

Sec. 5747.01. Except as otherwise expressly provided or 27620
clearly appearing from the context, any term used in this chapter 27621
that is not otherwise defined in this section has the same meaning 27622
as when used in a comparable context in the laws of the United 27623
States relating to federal income taxes or if not used in a 27624

comparable context in those laws, has the same meaning as in 27625
section 5733.40 of the Revised Code. Any reference in this chapter 27626
to the Internal Revenue Code includes other laws of the United 27627
States relating to federal income taxes. 27628

As used in this chapter: 27629

(A) "Adjusted gross income" or "Ohio adjusted gross income" 27630
means federal adjusted gross income, as defined and used in the 27631
Internal Revenue Code, adjusted as provided in this section: 27632

(1) Add interest or dividends on obligations or securities of 27633
any state or of any political subdivision or authority of any 27634
state, other than this state and its subdivisions and authorities. 27635

(2) Add interest or dividends on obligations of any 27636
authority, commission, instrumentality, territory, or possession 27637
of the United States to the extent that the interest or dividends 27638
are exempt from federal income taxes but not from state income 27639
taxes. 27640

(3) Deduct interest or dividends on obligations of the United 27641
States and its territories and possessions or of any authority, 27642
commission, or instrumentality of the United States to the extent 27643
that the interest or dividends are included in federal adjusted 27644
gross income but exempt from state income taxes under the laws of 27645
the United States. 27646

(4) Deduct disability and survivor's benefits to the extent 27647
included in federal adjusted gross income. 27648

(5) Deduct benefits under Title II of the Social Security Act 27649
and tier 1 railroad retirement benefits to the extent included in 27650
federal adjusted gross income under section 86 of the Internal 27651
Revenue Code. 27652

(6) In the case of a taxpayer who is a beneficiary of a trust 27653
that makes an accumulation distribution as defined in section 665 27654

of the Internal Revenue Code, add, for the beneficiary's taxable
years beginning before 2002, the portion, if any, of such
distribution that does not exceed the undistributed net income of
the trust for the three taxable years preceding the taxable year
in which the distribution is made to the extent that the portion
was not included in the trust's taxable income for any of the
trust's taxable years beginning in 2002 or thereafter.

"Undistributed net income of a trust" means the taxable income of
the trust increased by (a)(i) the additions to adjusted gross
income required under division (A) of this section and (ii) the
personal exemptions allowed to the trust pursuant to section
642(b) of the Internal Revenue Code, and decreased by (b)(i) the
deductions to adjusted gross income required under division (A) of
this section, (ii) the amount of federal income taxes attributable
to such income, and (iii) the amount of taxable income that has
been included in the adjusted gross income of a beneficiary by
reason of a prior accumulation distribution. Any undistributed net
income included in the adjusted gross income of a beneficiary
shall reduce the undistributed net income of the trust commencing
with the earliest years of the accumulation period.

(7) Deduct the amount of wages and salaries, if any, not
otherwise allowable as a deduction but that would have been
allowable as a deduction in computing federal adjusted gross
income for the taxable year, had the targeted jobs credit allowed
and determined under sections 38, 51, and 52 of the Internal
Revenue Code not been in effect.

(8) Deduct any interest or interest equivalent on public
obligations and purchase obligations to the extent that the
interest or interest equivalent is included in federal adjusted
gross income.

(9) Add any loss or deduct any gain resulting from the sale,
exchange, or other disposition of public obligations to the extent

that the loss has been deducted or the gain has been included in 27687
computing federal adjusted gross income. 27688

(10) Deduct or add amounts, as provided under section 5747.70 27689
of the Revised Code, related to contributions to variable college 27690
savings program accounts made or tuition units purchased pursuant 27691
to Chapter 3334. of the Revised Code. 27692

(11)(a) Deduct, to the extent not otherwise allowable as a 27693
deduction or exclusion in computing federal or Ohio adjusted gross 27694
income for the taxable year, the amount the taxpayer paid during 27695
the taxable year for medical care insurance and qualified 27696
long-term care insurance for the taxpayer, the taxpayer's spouse, 27697
and dependents. No deduction for medical care insurance under 27698
division (A)(11) of this section shall be allowed either to any 27699
taxpayer who is eligible to participate in any subsidized health 27700
plan maintained by any employer of the taxpayer or of the 27701
taxpayer's spouse, or to any taxpayer who is entitled to, or on 27702
application would be entitled to, benefits under part A of Title 27703
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 27704
301, as amended. For the purposes of division (A)(11)(a) of this 27705
section, "subsidized health plan" means a health plan for which 27706
the employer pays any portion of the plan's cost. The deduction 27707
allowed under division (A)(11)(a) of this section shall be the net 27708
of any related premium refunds, related premium reimbursements, or 27709
related insurance premium dividends received during the taxable 27710
year. 27711

(b) Deduct, to the extent not otherwise deducted or excluded 27712
in computing federal or Ohio adjusted gross income during the 27713
taxable year, the amount the taxpayer paid during the taxable 27714
year, not compensated for by any insurance or otherwise, for 27715
medical care of the taxpayer, the taxpayer's spouse, and 27716
dependents, to the extent the expenses exceed seven and one-half 27717
per cent of the taxpayer's federal adjusted gross income. 27718

(c) For purposes of division (A)(11) of this section, 27719
"medical care" has the meaning given in section 213 of the 27720
Internal Revenue Code, subject to the special rules, limitations, 27721
and exclusions set forth therein, and "qualified long-term care" 27722
has the same meaning given in section 7702~~(B)(b)~~B(c) of the 27723
Internal Revenue Code. 27724

(12)(a) Deduct any amount included in federal adjusted gross 27725
income solely because the amount represents a reimbursement or 27726
refund of expenses that in any year the taxpayer had deducted as 27727
an itemized deduction pursuant to section 63 of the Internal 27728
Revenue Code and applicable United States department of the 27729
treasury regulations. The deduction otherwise allowed under 27730
division (A)(12)(a) of this section shall be reduced to the extent 27731
the reimbursement is attributable to an amount the taxpayer 27732
deducted under this section in any taxable year. 27733

(b) Add any amount not otherwise included in Ohio adjusted 27734
gross income for any taxable year to the extent that the amount is 27735
attributable to the recovery during the taxable year of any amount 27736
deducted or excluded in computing federal or Ohio adjusted gross 27737
income in any taxable year. 27738

(13) Deduct any portion of the deduction described in section 27739
1341(a)(2) of the Internal Revenue Code, for repaying previously 27740
reported income received under a claim of right, that meets both 27741
of the following requirements: 27742

(a) It is allowable for repayment of an item that was 27743
included in the taxpayer's adjusted gross income for a prior 27744
taxable year and did not qualify for a credit under division (A) 27745
or (B) of section 5747.05 of the Revised Code for that year; 27746

(b) It does not otherwise reduce the taxpayer's adjusted 27747
gross income for the current or any other taxable year. 27748

(14) Deduct an amount equal to the deposits made to, and net 27749

investment earnings of, a medical savings account during the 27750
taxable year, in accordance with section 3924.66 of the Revised 27751
Code. The deduction allowed by division (A)(14) of this section 27752
does not apply to medical savings account deposits and earnings 27753
otherwise deducted or excluded for the current or any other 27754
taxable year from the taxpayer's federal adjusted gross income. 27755

(15)(a) Add an amount equal to the funds withdrawn from a 27756
medical savings account during the taxable year, and the net 27757
investment earnings on those funds, when the funds withdrawn were 27758
used for any purpose other than to reimburse an account holder 27759
for, or to pay, eligible medical expenses, in accordance with 27760
section 3924.66 of the Revised Code; 27761

(b) Add the amounts distributed from a medical savings 27762
account under division (A)(2) of section 3924.68 of the Revised 27763
Code during the taxable year. 27764

(16) Add any amount claimed as a credit under section 27765
5747.059 of the Revised Code to the extent that such amount 27766
satisfies either of the following: 27767

(a) The amount was deducted or excluded from the computation 27768
of the taxpayer's federal adjusted gross income as required to be 27769
reported for the taxpayer's taxable year under the Internal 27770
Revenue Code; 27771

(b) The amount resulted in a reduction of the taxpayer's 27772
federal adjusted gross income as required to be reported for any 27773
of the taxpayer's taxable years under the Internal Revenue Code. 27774

(17) Deduct the amount contributed by the taxpayer to an 27775
individual development account program established by a county 27776
department of job and family services pursuant to sections 329.11 27777
to 329.14 of the Revised Code for the purpose of matching funds 27778
deposited by program participants. On request of the tax 27779
commissioner, the taxpayer shall provide any information that, in 27780

the tax commissioner's opinion, is necessary to establish the 27781
amount deducted under division (A)(17) of this section. 27782

(18) Beginning in taxable year 2001 but not for any taxable 27783
year beginning after December 31, 2005, if the taxpayer is married 27784
and files a joint return and the combined federal adjusted gross 27785
income of the taxpayer and the taxpayer's spouse for the taxable 27786
year does not exceed one hundred thousand dollars, or if the 27787
taxpayer is single and has a federal adjusted gross income for the 27788
taxable year not exceeding fifty thousand dollars, deduct amounts 27789
paid during the taxable year for qualified tuition and fees paid 27790
to an eligible institution for the taxpayer, the taxpayer's 27791
spouse, or any dependent of the taxpayer, who is a resident of 27792
this state and is enrolled in or attending a program that 27793
culminates in a degree or diploma at an eligible institution. The 27794
deduction may be claimed only to the extent that qualified tuition 27795
and fees are not otherwise deducted or excluded for any taxable 27796
year from federal or Ohio adjusted gross income. The deduction may 27797
not be claimed for educational expenses for which the taxpayer 27798
claims a credit under section 5747.27 of the Revised Code. 27799

(19) Add any reimbursement received during the taxable year 27800
of any amount the taxpayer deducted under division (A)(18) of this 27801
section in any previous taxable year to the extent the amount is 27802
not otherwise included in Ohio adjusted gross income. 27803

(20)(a)(i) Add five-sixths of the amount of depreciation 27804
expense allowed by subsection (k) of section 168 of the Internal 27805
Revenue Code, including the taxpayer's proportionate or 27806
distributive share of the amount of depreciation expense allowed 27807
by that subsection to a pass-through entity in which the taxpayer 27808
has a direct or indirect ownership interest. 27809

(ii) Add five-sixths of the amount of qualifying section 179 27810
depreciation expense, including a person's proportionate or 27811

distributive share of the amount of qualifying section 179 27812
depreciation expense allowed to any pass-through entity in which 27813
the person has a direct or indirect ownership. For the purposes of 27814
this division, "qualifying section 179 depreciation expense" means 27815
the difference between (I) the amount of depreciation expense 27816
directly or indirectly allowed to the taxpayer under section 179 27817
of the Internal Revenue Code, and (II) the amount of depreciation 27818
expense directly or indirectly allowed to the taxpayer under 27819
section 179 of the Internal Revenue Code as that section existed 27820
on December 31, 2002. 27821

The tax commissioner, under procedures established by the 27822
commissioner, may waive the add-backs related to a pass-through 27823
entity if the taxpayer owns, directly or indirectly, less than 27824
five per cent of the pass-through entity. 27825

(b) Nothing in division (A)(20) of this section shall be 27826
construed to adjust or modify the adjusted basis of any asset. 27827

(c) To the extent the add-back required under division 27828
(A)(20)(a) of this section is attributable to property generating 27829
nonbusiness income or loss allocated under section 5747.20 of the 27830
Revised Code, the add-back shall be situated to the same location 27831
as the nonbusiness income or loss generated by the property for 27832
the purpose of determining the credit under division (A) of 27833
section 5747.05 of the Revised Code. Otherwise, the add-back shall 27834
be apportioned, subject to one or more of the four alternative 27835
methods of apportionment enumerated in section 5747.21 of the 27836
Revised Code. 27837

(d) For the purposes of division (A) of this section, net 27838
operating loss carryback and carryforward shall not include 27839
five-sixths of the allowance of any net operating loss deduction 27840
carryback or carryforward to the taxable year to the extent such 27841
loss resulted from depreciation allowed by section 168(k) of the 27842

Internal Revenue Code and by the qualifying section 179	27843
depreciation expense amount.	27844
(21)(a) If the taxpayer was required to add an amount under	27845
division (A)(20)(a) of this section for a taxable year, deduct	27846
one-fifth of the amount so added for each of the five succeeding	27847
taxable years.	27848
(b) If the amount deducted under division (A)(21)(a) of this	27849
section is attributable to an add-back allocated under division	27850
(A)(20)(c) of this section, the amount deducted shall be sitused	27851
to the same location. Otherwise, the add-back shall be apportioned	27852
using the apportionment factors for the taxable year in which the	27853
deduction is taken, subject to one or more of the four alternative	27854
methods of apportionment enumerated in section 5747.21 of the	27855
Revised Code.	27856
(c) No deduction is available under division (A)(21)(a) of	27857
this section with regard to any depreciation allowed by section	27858
168(k) of the Internal Revenue Code and by the qualifying section	27859
179 depreciation expense amount to the extent that such	27860
depreciation resulted in or increased a federal net operating loss	27861
carryback or carryforward to a taxable year to which division	27862
(A)(20)(d) of this section does not apply.	27863
<u>(22) Deduct, to the extent not otherwise deducted or excluded</u>	27864
<u>in computing federal or Ohio adjusted gross income for the taxable</u>	27865
<u>year, the amount the taxpayer received during the taxable year as</u>	27866
<u>reimbursement for life insurance premiums under section 5919.31 of</u>	27867
<u>the Revised Code.</u>	27868
<u>(23) Deduct, to the extent not otherwise deducted or excluded</u>	27869
<u>in computing federal or Ohio adjusted gross income for the taxable</u>	27870
<u>year, the amount the taxpayer received during the taxable year as</u>	27871
<u>a death benefit paid by the adjutant general under section 5919.33</u>	27872
<u>of the Revised Code.</u>	27873

(B) "Business income" means income, including gain or loss, 27874
arising from transactions, activities, and sources in the regular 27875
course of a trade or business and includes income, gain, or loss 27876
from real property, tangible property, and intangible property if 27877
the acquisition, rental, management, and disposition of the 27878
property constitute integral parts of the regular course of a 27879
trade or business operation. "Business income" includes income, 27880
including gain or loss, from a partial or complete liquidation of 27881
a business, including, but not limited to, gain or loss from the 27882
sale or other disposition of goodwill. 27883

(C) "Nonbusiness income" means all income other than business 27884
income and may include, but is not limited to, compensation, rents 27885
and royalties from real or tangible personal property, capital 27886
gains, interest, dividends and distributions, patent or copyright 27887
royalties, or lottery winnings, prizes, and awards. 27888

(D) "Compensation" means any form of remuneration paid to an 27889
employee for personal services. 27890

(E) "Fiduciary" means a guardian, trustee, executor, 27891
administrator, receiver, conservator, or any other person acting 27892
in any fiduciary capacity for any individual, trust, or estate. 27893

(F) "Fiscal year" means an accounting period of twelve months 27894
ending on the last day of any month other than December. 27895

(G) "Individual" means any natural person. 27896

(H) "Internal Revenue Code" means the "Internal Revenue Code 27897
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 27898

(I) "Resident" means any of the following, provided that 27899
division (I)(3) of this section applies only to taxable years of a 27900
trust beginning in 2002 or thereafter: 27901

(1) An individual who is domiciled in this state, subject to 27902
section 5747.24 of the Revised Code; 27903

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code and any election under section 5747.25 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If

a trust document or instrument became irrevocable upon the death
of a person who at the time of death was domiciled in this state
for purposes of this chapter, that person is a person described in
division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor
is not considered to be the owner of the net assets of the trust
under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead
trust, "qualifying beneficiary" has the same meaning as "potential
current beneficiary" as defined in section 1361(e)(2) of the
Internal Revenue Code, and with respect to a charitable lead trust
"qualifying beneficiary" is any current, future, or contingent
beneficiary, but with respect to any trust "qualifying
beneficiary" excludes a person or a governmental entity or
instrumentality to any of which a contribution would qualify for
the charitable deduction under section 170 of the Internal Revenue
Code.

(d) For the purposes of division (I)(3)(a) of this section,
the extent to which a trust consists directly or indirectly, in
whole or in part, of assets, net of any related liabilities, that
were transferred directly or indirectly, in whole or part, to the
trust by any of the sources enumerated in that division shall be
ascertained by multiplying the fair market value of the trust's
assets, net of related liabilities, by the qualifying ratio, which
shall be computed as follows:

(i) The first time the trust receives assets, the numerator
of the qualifying ratio is the fair market value of those assets
at that time, net of any related liabilities, from sources
enumerated in division (I)(3)(a) of this section. The denominator
of the qualifying ratio is the fair market value of all the
trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this

section, a "qualifying transfer" is a transfer of assets, net of 27997
any related liabilities, directly or indirectly to a trust, if the 27998
transfer is described in any of the following: 27999

(i) The transfer is made to a trust, created by the decedent 28000
before the decedent's death and while the decedent was domiciled 28001
in this state for the purposes of this chapter, and, prior to the 28002
death of the decedent, the trust became irrevocable while the 28003
decedent was domiciled in this state for the purposes of this 28004
chapter. 28005

(ii) The transfer is made to a trust to which the decedent, 28006
prior to the decedent's death, had directly or indirectly 28007
transferred assets, net of any related liabilities, while the 28008
decedent was domiciled in this state for the purposes of this 28009
chapter, and prior to the death of the decedent the trust became 28010
irrevocable while the decedent was domiciled in this state for the 28011
purposes of this chapter. 28012

(iii) The transfer is made on account of a contractual 28013
relationship existing directly or indirectly between the 28014
transferor and either the decedent or the estate of the decedent 28015
at any time prior to the date of the decedent's death, and the 28016
decedent was domiciled in this state at the time of death for 28017
purposes of the taxes levied under Chapter 5731. of the Revised 28018
Code. 28019

(iv) The transfer is made to a trust on account of a 28020
contractual relationship existing directly or indirectly between 28021
the transferor and another person who at the time of the 28022
decedent's death was domiciled in this state for purposes of this 28023
chapter. 28024

(v) The transfer is made to a trust on account of the will of 28025
a testator. 28026

(vi) The transfer is made to a trust created by or caused to 28027

be created by a court, and the trust was directly or indirectly
created in connection with or as a result of the death of an
individual who, for purposes of the taxes levied under Chapter
5731. of the Revised Code, was domiciled in this state at the time
of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the
part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a
resident. An individual who is a resident for only part of a
taxable year is a nonresident for the remainder of that taxable
year.

(K) "Pass-through entity" has the same meaning as in section
5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to
be filed pursuant to this chapter for the purpose of reporting the
tax due and includes declarations of estimated tax when so
required.

(M) "Taxable year" means the calendar year or the taxpayer's
fiscal year ending during the calendar year, or fractional part
thereof, upon which the adjusted gross income is calculated
pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by
section 5747.02 of the Revised Code or any pass-through entity
that makes the election under division (D) of section 5747.08 of
the Revised Code.

(O) "Dependents" means dependents as defined in the Internal
Revenue Code and as claimed in the taxpayer's federal income tax
return for the taxable year or which the taxpayer would have been
permitted to claim had the taxpayer filed a federal income tax
return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 28088

(2) Add interest or dividends, net of ordinary, necessary, 28089
and reasonable expenses not deducted in computing federal taxable 28090
income, on obligations of any authority, commission, 28091
instrumentality, territory, or possession of the United States to 28092
the extent that the interest or dividends are exempt from federal 28093
income taxes but not from state income taxes, but only to the 28094
extent that such net amount is not otherwise includible in Ohio 28095
taxable income and is described in either division (S)(1)(a) or 28096
(b) of this section; 28097

(3) Add the amount of personal exemption allowed to the 28098
estate pursuant to section 642(b) of the Internal Revenue Code; 28099

(4) Deduct interest or dividends, net of related expenses 28100
deducted in computing federal taxable income, on obligations of 28101
the United States and its territories and possessions or of any 28102
authority, commission, or instrumentality of the United States to 28103
the extent that the interest or dividends are exempt from state 28104
taxes under the laws of the United States, but only to the extent 28105
that such amount is included in federal taxable income and is 28106
described in either division (S)(1)(a) or (b) of this section; 28107

(5) Deduct the amount of wages and salaries, if any, not 28108
otherwise allowable as a deduction but that would have been 28109
allowable as a deduction in computing federal taxable income for 28110
the taxable year, had the targeted jobs credit allowed under 28111
sections 38, 51, and 52 of the Internal Revenue Code not been in 28112
effect, but only to the extent such amount relates either to 28113
income included in federal taxable income for the taxable year or 28114
to income of the S portion of an electing small business trust for 28115
the taxable year; 28116

(6) Deduct any interest or interest equivalent, net of 28117
related expenses deducted in computing federal taxable income, on 28118

public obligations and purchase obligations, but only to the 28119
extent that such net amount relates either to income included in 28120
federal taxable income for the taxable year or to income of the S 28121
portion of an electing small business trust for the taxable year; 28122

(7) Add any loss or deduct any gain resulting from sale, 28123
exchange, or other disposition of public obligations to the extent 28124
that such loss has been deducted or such gain has been included in 28125
computing either federal taxable income or income of the S portion 28126
of an electing small business trust for the taxable year; 28127

(8) Except in the case of the final return of an estate, add 28128
any amount deducted by the taxpayer on both its Ohio estate tax 28129
return pursuant to section 5731.14 of the Revised Code, and on its 28130
federal income tax return in determining federal taxable income; 28131

(9)(a) Deduct any amount included in federal taxable income 28132
solely because the amount represents a reimbursement or refund of 28133
expenses that in a previous year the decedent had deducted as an 28134
itemized deduction pursuant to section 63 of the Internal Revenue 28135
Code and applicable treasury regulations. The deduction otherwise 28136
allowed under division (S)(9)(a) of this section shall be reduced 28137
to the extent the reimbursement is attributable to an amount the 28138
taxpayer or decedent deducted under this section in any taxable 28139
year. 28140

(b) Add any amount not otherwise included in Ohio taxable 28141
income for any taxable year to the extent that the amount is 28142
attributable to the recovery during the taxable year of any amount 28143
deducted or excluded in computing federal or Ohio taxable income 28144
in any taxable year, but only to the extent such amount has not 28145
been distributed to beneficiaries for the taxable year. 28146

(10) Deduct any portion of the deduction described in section 28147
1341(a)(2) of the Internal Revenue Code, for repaying previously 28148
reported income received under a claim of right, that meets both 28149

of the following requirements: 28150

(a) It is allowable for repayment of an item that was 28151
included in the taxpayer's taxable income or the decedent's 28152
adjusted gross income for a prior taxable year and did not qualify 28153
for a credit under division (A) or (B) of section 5747.05 of the 28154
Revised Code for that year. 28155

(b) It does not otherwise reduce the taxpayer's taxable 28156
income or the decedent's adjusted gross income for the current or 28157
any other taxable year. 28158

(11) Add any amount claimed as a credit under section 28159
5747.059 of the Revised Code to the extent that the amount 28160
satisfies either of the following: 28161

(a) The amount was deducted or excluded from the computation 28162
of the taxpayer's federal taxable income as required to be 28163
reported for the taxpayer's taxable year under the Internal 28164
Revenue Code; 28165

(b) The amount resulted in a reduction in the taxpayer's 28166
federal taxable income as required to be reported for any of the 28167
taxpayer's taxable years under the Internal Revenue Code. 28168

(12) Deduct any amount, net of related expenses deducted in 28169
computing federal taxable income, that a trust is required to 28170
report as farm income on its federal income tax return, but only 28171
if the assets of the trust include at least ten acres of land 28172
satisfying the definition of "land devoted exclusively to 28173
agricultural use" under section 5713.30 of the Revised Code, 28174
regardless of whether the land is valued for tax purposes as such 28175
land under sections 5713.30 to 5713.38 of the Revised Code. If the 28176
trust is a ~~pass-through~~ pass-through entity investor, section 28177
5747.231 of the Revised Code applies in ascertaining if the trust 28178
is eligible to claim the deduction provided by division (S)(12) of 28179
this section in connection with the pass-through entity's farm 28180

income. 28181

Except for farm income attributable to the S portion of an 28182
electing small business trust, the deduction provided by division 28183
(S)(12) of this section is allowed only to the extent that the 28184
trust has not distributed such farm income. Division (S)(12) of 28185
this section applies only to taxable years of a trust beginning in 28186
2002 or thereafter. 28187

(13) Add the net amount of income described in section 641(c) 28188
of the Internal Revenue Code to the extent that amount is not 28189
included in federal taxable income. 28190

(14) Add or deduct the amount the taxpayer would be required 28191
to add or deduct under division (A)(20) or (21) of this section if 28192
the taxpayer's Ohio taxable income were computed in the same 28193
manner as an individual's Ohio adjusted gross income is computed 28194
under this section. In the case of a trust, division (S)(14) of 28195
this section applies only to any of the trust's taxable years 28196
beginning in 2002 or thereafter. 28197

(T) "School district income" and "school district income tax" 28198
have the same meanings as in section 5748.01 of the Revised Code. 28199

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 28200
of this section, "public obligations," "purchase obligations," and 28201
"interest or interest equivalent" have the same meanings as in 28202
section 5709.76 of the Revised Code. 28203

(V) "Limited liability company" means any limited liability 28204
company formed under Chapter 1705. of the Revised Code or under 28205
the laws of any other state. 28206

(W) "Pass-through entity investor" means any person who, 28207
during any portion of a taxable year of a pass-through entity, is 28208
a partner, member, shareholder, or equity investor in that 28209
pass-through entity. 28210

(X) "Banking day" has the same meaning as in section 1304.01	28211
of the Revised Code.	28212
(Y) "Month" means a calendar month.	28213
(Z) "Quarter" means the first three months, the second three	28214
months, the third three months, or the last three months of the	28215
taxpayer's taxable year.	28216
(AA)(1) "Eligible institution" means a state university or	28217
state institution of higher education as defined in section	28218
3345.011 of the Revised Code, or a private, nonprofit college,	28219
university, or other post-secondary institution located in this	28220
state that possesses a certificate of authorization issued by the	28221
Ohio board of regents pursuant to Chapter 1713. of the Revised	28222
Code or a certificate of registration issued by the state board of	28223
career colleges and schools under Chapter 3332. of the Revised	28224
Code.	28225
(2) "Qualified tuition and fees" means tuition and fees	28226
imposed by an eligible institution as a condition of enrollment or	28227
attendance, not exceeding two thousand five hundred dollars in	28228
each of the individual's first two years of post-secondary	28229
education. If the individual is a part-time student, "qualified	28230
tuition and fees" includes tuition and fees paid for the academic	28231
equivalent of the first two years of post-secondary education	28232
during a maximum of five taxable years, not exceeding a total of	28233
five thousand dollars. "Qualified tuition and fees" does not	28234
include:	28235
(a) Expenses for any course or activity involving sports,	28236
games, or hobbies unless the course or activity is part of the	28237
individual's degree or diploma program;	28238
(b) The cost of books, room and board, student activity fees,	28239
athletic fees, insurance expenses, or other expenses unrelated to	28240
the individual's academic course of instruction;	28241

(c) Tuition, fees, or other expenses paid or reimbursed	28242
through an employer, scholarship, grant in aid, or other	28243
educational benefit program.	28244
(BB)(1) "Modified business income" means the business income	28245
included in a trust's Ohio taxable income after such taxable	28246
income is first reduced by the qualifying trust amount, if any.	28247
(2) "Qualifying trust amount" of a trust means capital gains	28248
and losses from the sale, exchange, or other disposition of equity	28249
or ownership interests in, or debt obligations of, a qualifying	28250
investee to the extent included in the trust's Ohio taxable	28251
income, but only if the following requirements are satisfied:	28252
(a) The book value of the qualifying investee's physical	28253
assets in this state and everywhere, as of the last day of the	28254
qualifying investee's fiscal or calendar year ending immediately	28255
prior to the date on which the trust recognizes the gain or loss,	28256
is available to the trust.	28257
(b) The requirements of section 5747.011 of the Revised Code	28258
are satisfied for the trust's taxable year in which the trust	28259
recognizes the gain or loss.	28260
Any gain or loss that is not a qualifying trust amount is	28261
modified business income, qualifying investment income, or	28262
modified nonbusiness income, as the case may be.	28263
(3) "Modified nonbusiness income" means a trust's Ohio	28264
taxable income other than modified business income, other than the	28265
qualifying trust amount, and other than qualifying investment	28266
income, as defined in section 5747.012 of the Revised Code, to the	28267
extent such qualifying investment income is not otherwise part of	28268
modified business income.	28269
(4) "Modified Ohio taxable income" applies only to trusts,	28270
and means the sum of the amounts described in divisions (BB)(4)(a)	28271

to (c) of this section:	28272
(a) The fraction, calculated under section 5747.013, and	28273
applying section 5747.231 of the Revised Code, multiplied by the	28274
sum of the following amounts:	28275
(i) The trust's modified business income;	28276
(ii) The trust's qualifying investment income, as defined in	28277
section 5747.012 of the Revised Code, but only to the extent the	28278
qualifying investment income does not otherwise constitute	28279
modified business income and does not otherwise constitute a	28280
qualifying trust amount.	28281
(b) The qualifying trust amount multiplied by a fraction, the	28282
numerator of which is the sum of the book value of the qualifying	28283
investee's physical assets in this state on the last day of the	28284
qualifying investee's fiscal or calendar year ending immediately	28285
prior to the day on which the trust recognizes the qualifying	28286
trust amount, and the denominator of which is the sum of the book	28287
value of the qualifying investee's total physical assets	28288
everywhere on the last day of the qualifying investee's fiscal or	28289
calendar year ending immediately prior to the day on which the	28290
trust recognizes the qualifying trust amount. If, for a taxable	28291
year, the trust recognizes a qualifying trust amount with respect	28292
to more than one qualifying investee, the amount described in	28293
division (BB)(4)(b) of this section shall equal the sum of the	28294
products so computed for each such qualifying investee.	28295
(c)(i) With respect to a trust or portion of a trust that is	28296
a resident as ascertained in accordance with division (I)(3)(d) of	28297
this section, its modified nonbusiness income.	28298
(ii) With respect to a trust or portion of a trust that is	28299
not a resident as ascertained in accordance with division	28300
(I)(3)(d) of this section, the amount of its modified nonbusiness	28301
income satisfying the descriptions in divisions (B)(2) to (5) of	28302

section 5747.20 of the Revised Code, except as otherwise provided 28303
in division (BB)(4)(c)(ii) of this section. With respect to a 28304
trust or portion of a trust that is not a resident as ascertained 28305
in accordance with division (I)(3)(d) of this section, the trust's 28306
portion of modified nonbusiness income recognized from the sale, 28307
exchange, or other disposition of a debt interest in or equity 28308
interest in a section 5747.212 entity, as defined in section 28309
5747.212 of the Revised Code, without regard to division (A) of 28310
that section, shall not be allocated to this state in accordance 28311
with section 5747.20 of the Revised Code but shall be apportioned 28312
to this state in accordance with division (B) of section 5747.212 28313
of the Revised Code without regard to division (A) of that 28314
section. 28315

If the allocation and apportionment of a trust's income under 28316
divisions (BB)(4)(a) and (c) of this section do not fairly 28317
represent the modified Ohio taxable income of the trust in this 28318
state, the alternative methods described in division (C) of 28319
section 5747.21 of the Revised Code may be applied in the manner 28320
and to the same extent provided in that section. 28321

(5)(a) Except as set forth in division (BB)(5)(b) of this 28322
section, "qualifying investee" means a person in which a trust has 28323
an equity or ownership interest, or a person or unit of government 28324
the debt obligations of either of which are owned by a trust. For 28325
the purposes of division (BB)(2)(a) of this section and for the 28326
purpose of computing the fraction described in division (BB)(4)(b) 28327
of this section, all of the following apply: 28328

(i) If the qualifying investee is a member of a qualifying 28329
controlled group on the last day of the qualifying investee's 28330
fiscal or calendar year ending immediately prior to the date on 28331
which the trust recognizes the gain or loss, then "qualifying 28332
investee" includes all persons in the qualifying controlled group 28333
on such last day. 28334

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the

lower level pass-through entity on each day of the upper level
pass-through entity's calendar or fiscal year in which or with
which ends the calendar or fiscal year of the lower level
pass-through entity and if, based upon clear and convincing
evidence, complete information about the location and cost of the
physical assets of the lower pass-through entity is not available
to the upper level pass-through entity, then solely for purposes
of ascertaining if a gain or loss constitutes a qualifying trust
amount, the upper level pass-through entity shall be deemed as
owning no equity of the lower level pass-through entity for each
day during the upper level pass-through entity's calendar or
fiscal year in which or with which ends the lower level
pass-through entity's calendar or fiscal year. Nothing in division
(BB)(5)(a)(iii) of this section shall be construed to provide for
any deduction or exclusion in computing any trust's Ohio taxable
income.

(b) With respect to a trust that is not a resident for the
taxable year and with respect to a part of a trust that is not a
resident for the taxable year, "qualifying investee" for that
taxable year does not include a C corporation if both of the
following apply:

(i) During the taxable year the trust or part of the trust
recognizes a gain or loss from the sale, exchange, or other
disposition of equity or ownership interests in, or debt
obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is
able to learn of the information by the due date plus extensions,
if any, for filing the return for the taxable year in which the
trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in

section 5733.04 of the Revised Code.	28398
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	28399 28400
(EE)(1) For the purposes of division (EE) of this section:	28401
(a) "Qualifying person" means any person other than a qualifying corporation.	28402 28403
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	28404 28405 28406
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	28407 28408 28409 28410
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	28411 28412 28413 28414
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	28415 28416 28417
<u>(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:</u>	28418 28419
<u>(1) "Trust" does not include a qualified pre-income tax trust.</u>	28420 28421
<u>(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.</u>	28422 28423 28424
<u>(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed</u>	28425 28426

by section 5751.02 of the Revised Code the pre-income tax trust 28427
and all pass-through entities of which the trust owns or controls, 28428
directly, indirectly, or constructively through related interests, 28429
five per cent or more of the ownership or equity interests. The 28430
trustee shall notify the tax commissioner in writing of the 28431
election on or before April 15, 2006. The election, if timely 28432
made, shall be effective on and after January 1, 2006, and shall 28433
apply for all tax periods and tax years until revoked by the 28434
trustee of the trust. 28435

(4) A "pre-income tax trust" is a trust that satisfies all of 28436
the following requirements: 28437

(a) The document or instrument creating the trust was 28438
executed by the grantor before January 1, 1972; 28439

(b) The trust became irrevocable upon the creation of the 28440
trust; and 28441

(c) The grantor was domiciled in this state at the time the 28442
trust was created. 28443

Sec. 5747.012. This section applies for the purposes of 28444
divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the 28445
Revised Code. 28446

(A) As used in this section: 28447

(1)(a) Except as set forth in division (A)(1)(b) of this 28448
section, "qualifying investment income" means the portion of a 28449
qualifying investment pass-through entity's net income 28450
attributable to transaction fees in connection with the 28451
acquisition, ownership, or disposition of intangible property; 28452
loan fees; financing fees; consent fees; waiver fees; application 28453
fees; net management fees; dividend income; interest income; net 28454
capital gains from the sale or exchange or other disposition of 28455
intangible property; and all types and classifications of income 28456

attributable to distributive shares of income from other 28457
pass-through entities. 28458

(b)(i) Notwithstanding division (A)(1)(a) of this section, 28459
"qualifying investment income" does not include any part of the 28460
qualifying investment pass-through entity's net capital gain 28461
which, after the application of section 5747.231 of the Revised 28462
Code with respect to a trust, would also constitute a qualifying 28463
trust amount. 28464

(ii) Notwithstanding division (A)(1)(a) of this section, 28465
"qualifying investment income" does not include any part of the 28466
qualifying investment pass-through entity's net income 28467
attributable to the portion of a distributive share of income 28468
directly or indirectly from another pass-through entity to the 28469
extent such portion constitutes the other pass-through entity's 28470
net capital gain which, after the application of section 5747.231 28471
of the Revised Code with respect to a trust, would also constitute 28472
a qualifying trust amount. 28473

(2) "Qualifying investment pass-through entity" means an 28474
investment pass-through entity, as defined in section 5733.401 of 28475
the Revised Code, subject to the following qualifications: 28476

(a) "Forty per cent" shall be substituted for "ninety per 28477
cent" wherever "ninety per cent" appears in section 5733.401 of 28478
the Revised Code. 28479

(b) The pass-through entity must have been formed or 28480
organized as an entity prior to June 5, 2002, and must exist as a 28481
pass-through entity for all of the taxable year of the trust. 28482

(c) The qualifying section 5747.012 trust or related persons 28483
to the qualifying section 5747.012 trust must directly or 28484
indirectly own at least five per cent of the equity of the 28485
investment pass-through entity each day of the entity's fiscal or 28486
calendar year ending within or with the last day of the qualifying 28487

section 5747.012 trust's taxable year; 28488

(d) During the investment pass-through entity's calendar or 28489
fiscal year ending within or with the last day of the qualifying 28490
section 5747.012 trust's taxable year, the qualifying section 28491
5747.012 trust or related persons of or to the qualifying section 28492
5747.012 trust must, on each day of the investment pass-through 28493
entity's year, own directly, or own through equity investments in 28494
other pass-through entities, more than sixty per cent of the 28495
equity of the investment pass-through entity. 28496

(B) "Qualifying section 5747.012 trust" means a trust 28497
satisfying one of the following: 28498

(1) The trust was created prior to, and was irrevocable on, 28499
June 5, 2002; or 28500

(2) If the trust was created after June 4, 2002, or if the 28501
trust became irrevocable after June 4, 2002, then at least eighty 28502
per cent of the assets transferred to the trust must have been 28503
previously owned by related persons to the trust or by a trust 28504
created prior to June 5, 2002, under which the creator did not 28505
retain the power to change beneficiaries, amend the trust, or 28506
revoke the trust. For purposes of division (B)(2) of this section, 28507
the power to substitute property of equal value shall not be 28508
considered to be a power to change beneficiaries, amend the trust, 28509
or revoke the trust. 28510

(C) For the purposes of this section, "related persons" means 28511
the family of a qualifying individual beneficiary, as defined in 28512
division (A)(5) of section 5747.011 of the Revised Code. For the 28513
purposes of this division, "family" has the same meaning as in 28514
division (A)(6) of section 5747.011 of the Revised Code. 28515

(D) For the purposes of applying divisions (A)(2)(c), 28516
(A)(2)(d), and (B)(2) of this section, the related persons or the 28517
qualifying section 5747.012 trust, as the case may be, shall be 28518

deemed to own the equity of the investment pass-through entity 28519
after the application of division (B) of section 5747.011 of the 28520
Revised Code. 28521

(E) "Irrevocable" has the same meaning as in division 28522
(I)(3)(b) of section 5747.01 of the Revised Code. 28523

(F) Nothing in this section requires any item of income, 28524
gain, or loss not satisfying the definition of qualifying 28525
investment income to be treated as modified nonbusiness income. 28526
Any item of income, gain, or loss that is not qualifying 28527
investment income is modified business income, modified 28528
nonbusiness income, or a qualifying trust amount, as the case may 28529
be. 28530

Sec. 5747.05. As used in this section, "income tax" includes 28531
both a tax on net income and a tax measured by net income. 28532

The following credits shall be allowed against the income tax 28533
imposed by section 5747.02 of the Revised Code on individuals and 28534
estates: 28535

(A)(1) The amount of tax otherwise due under section 5747.02 28536
of the Revised Code on such portion of the adjusted gross income 28537
of any nonresident taxpayer that is not allocable to this state 28538
pursuant to sections 5747.20 to 5747.23 of the Revised Code; 28539

(2) The credit provided under this division shall not exceed 28540
the portion of the total tax due under section 5747.02 of the 28541
Revised Code that the amount of the nonresident taxpayer's 28542
adjusted gross income not allocated to this state pursuant to 28543
sections 5747.20 to 5747.23 of the Revised Code bears to the total 28544
adjusted gross income of the nonresident taxpayer derived from all 28545
sources everywhere. 28546

(3) The tax commissioner may enter into an agreement with the 28547
taxing authorities of any state or of the District of Columbia 28548

that imposes an income tax to provide that compensation paid in 28549
this state to a nonresident taxpayer shall not be subject to the 28550
tax levied in section 5747.02 of the Revised Code so long as 28551
compensation paid in such other state or in the District of 28552
Columbia to a resident taxpayer shall likewise not be subject to 28553
the income tax of such other state or of the District of Columbia. 28554

(B) The lesser of division (B)(1) or (2) of this section: 28555

(1) The amount of tax otherwise due under section 5747.02 of 28556
the Revised Code on such portion of the adjusted gross income of a 28557
resident taxpayer that in another state or in the District of 28558
Columbia is subjected to an income tax. The credit provided under 28559
division (B)(1) of this section shall not exceed the portion of 28560
the total tax due under section 5747.02 of the Revised Code that 28561
the amount of the resident taxpayer's adjusted gross income 28562
subjected to an income tax in the other state or in the District 28563
of Columbia bears to the total adjusted gross income of the 28564
resident taxpayer derived from all sources everywhere. 28565

(2) The amount of income tax liability to another state or 28566
the District of Columbia on the portion of the adjusted gross 28567
income of a resident taxpayer that in another state or in the 28568
District of Columbia is subjected to an income tax. The credit 28569
provided under division (B)(2) of this section shall not exceed 28570
the amount of tax otherwise due under section 5747.02 of the 28571
Revised Code. 28572

(3) If the credit provided under division (B) of this section 28573
is affected by a change in either the portion of adjusted gross 28574
income of a resident taxpayer subjected to an income tax in 28575
another state or the District of Columbia or the amount of income 28576
tax liability that has been paid to another state or the District 28577
of Columbia, the taxpayer shall report the change to the tax 28578
commissioner within sixty days of the change in such form as the 28579

commissioner requires. 28580

(a) In the case of an underpayment, the report shall be 28581
accompanied by payment of any additional tax due as a result of 28582
the reduction in credit together with interest on the additional 28583
tax and is a return subject to assessment under section 5747.13 of 28584
the Revised Code solely for the purpose of assessing any 28585
additional tax due under this division, together with any 28586
applicable penalty and interest. It shall not reopen the 28587
computation of the taxpayer's tax liability under this chapter 28588
from a previously filed return no longer subject to assessment 28589
except to the extent that such liability is affected by an 28590
adjustment to the credit allowed by division (B) of this section. 28591

(b) In the case of an overpayment, an application for refund 28592
may be filed under this division within the sixty day period 28593
prescribed for filing the report even if it is beyond the period 28594
prescribed in section 5747.11 of the Revised Code if it otherwise 28595
conforms to the requirements of such section. An application filed 28596
under this division shall only claim refund of overpayments 28597
resulting from an adjustment to the credit allowed by division (B) 28598
of this section unless it is also filed within the time prescribed 28599
in section 5747.11 of the Revised Code. It shall not reopen the 28600
computation of the taxpayer's tax liability except to the extent 28601
that such liability is affected by an adjustment to the credit 28602
allowed by division (B) of this section. 28603

(4) No credit shall be allowed under division (B) of this 28604
~~section to the extent that for any taxable year for income tax~~ 28605
~~paid or accrued to another state or to the District of Columbia if~~ 28606
~~the taxpayer, when computing federal adjusted gross income, has~~ 28607
directly or indirectly deducted, or was required to directly or 28608
indirectly deduct, the amount of that income tax liability to 28609
~~another state or the District of Columbia in computing federal~~ 28610
~~adjusted gross income.~~ 28611

(C) For a taxpayer sixty-five years of age or older during 28612
the taxable year, a credit for such year equal to fifty dollars 28613
for each return required to be filed under section 5747.08 of the 28614
Revised Code. 28615

(D) A taxpayer sixty-five years of age or older during the 28616
taxable year who has received a lump-sum distribution from a 28617
pension, retirement, or profit-sharing plan in the taxable year 28618
may elect to receive a credit under this division in lieu of the 28619
credit to which the taxpayer is entitled under division (C) of 28620
this section. A taxpayer making such election shall receive a 28621
credit for the taxable year equal to fifty dollars times the 28622
taxpayer's expected remaining life as shown by annuity tables 28623
issued under the provisions of the Internal Revenue Code and in 28624
effect for the calendar year which includes the last day of the 28625
taxable year. A taxpayer making an election under this division is 28626
not entitled to the credit authorized under division (C) of this 28627
section in subsequent taxable years except that if such election 28628
was made prior to July 1, 1983, the taxpayer is entitled to 28629
one-half the credit authorized under such division in subsequent 28630
taxable years but may not make another election under this 28631
division. 28632

(E) A taxpayer who is not sixty-five years of age or older 28633
during the taxable year who has received a lump-sum distribution 28634
from a pension, retirement, or profit-sharing plan in a taxable 28635
year ending on or before July 31, 1991, may elect to take a credit 28636
against the tax otherwise due under this chapter for such year 28637
equal to fifty dollars times the expected remaining life of a 28638
taxpayer sixty-five years of age as shown by annuity tables issued 28639
under the provisions of the Internal Revenue Code and in effect 28640
for the calendar year which includes the last day of the taxable 28641
year. A taxpayer making an election under this division is not 28642
entitled to a credit under division (C) or (D) of this section in 28643

any subsequent year except that if such election was made prior to 28644
July 1, 1983, the taxpayer is entitled to one-half the credit 28645
authorized under division (C) of this section in subsequent years 28646
but may not make another election under this division. No taxpayer 28647
may make an election under this division for a taxable year ending 28648
on or after August 1, 1991. 28649

(F) A taxpayer making an election under either division (D) 28650
or (E) of this section may make only one such election in the 28651
taxpayer's lifetime. 28652

(G)(1) On a joint return filed by a husband and wife, each of 28653
whom had adjusted gross income of at least five hundred dollars, 28654
exclusive of interest, dividends and distributions, royalties, 28655
rent, and capital gains, a credit equal to the percentage shown in 28656
the table contained in this division of the amount of tax due 28657
after allowing for any other credit that precedes the credit under 28658
this division in the order required under section 5747.98 of the 28659
Revised Code. 28660

(2) The credit to which a taxpayer is entitled under this 28661
division in any taxable year is the percentage shown in column B 28662
that corresponds with the taxpayer's adjusted gross income, less 28663
exemptions for the taxable year: 28664

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	28666
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		
\$25,000 or less	20%	28667
More than \$25,000 but not more	15%	28668
than \$50,000		
More than \$50,000 but not more	10%	28669
than \$75,000		
More than \$75,000	5%	28670

(3) The credit allowed under this division shall not exceed 28671
six hundred fifty dollars in any taxable year. 28672

(H) No claim for credit under this section shall be allowed 28673
unless the claimant furnishes such supporting information as the 28674
tax commissioner prescribes by rules. Each credit under this 28675
section shall be claimed in the order required under section 28676
5747.98 of the Revised Code. 28677

(I) An individual who is a resident for part of a taxable 28678
year and a nonresident for the remainder of the taxable year is 28679
allowed the credits under divisions (A) and (B) of this section in 28680
accordance with rules prescribed by the tax commissioner. In no 28681
event shall the same income be subject to both credits. 28682

(J) The credit allowed under division (A) of this section 28683
shall be calculated based upon the amount of tax due under section 28684
5747.02 of the Revised Code after subtracting any other credits 28685
that precede the credit under that division in the order required 28686
under section 5747.98 of the Revised Code. The credit allowed 28687
under division (B) of this section shall be calculated based upon 28688
the amount of tax due under section 5747.02 of the Revised Code 28689
after subtracting any other credits that precede the credit under 28690
that division in the order required under section 5747.98 of the 28691
Revised Code. 28692

(K) No credit shall be allowed under division (B) of this 28693
section unless the taxpayer furnishes such proof as the tax 28694
commissioner shall require that the income tax liability has been 28695
paid to another state or the District of Columbia. 28696

(L) No credit shall be allowed under division (B) of this 28697
section for compensation that is not subject to the income tax of 28698
another state or the District of Columbia as the result of an 28699
agreement entered into by the tax commissioner under division 28700
(A)(3) of this section. 28701

Sec. 5747.056. For taxable years beginning in 2005 or 28702
thereafter, a credit shall be allowed per return against the tax 28703
imposed by section 5747.02 of the Revised Code for ~~an individual~~ 28704
~~whose~~ a return not filed by an estate or trust that indicates Ohio 28705
adjusted gross income less exemptions ~~is~~ of ten thousand dollars 28706
or less. For taxable years beginning in 2005, the credit shall 28707
equal one hundred seven dollars. For taxable years beginning in 28708
2006, the credit shall equal one hundred two dollars. For taxable 28709
years beginning in 2007, the credit shall equal ninety-eight 28710
dollars. For taxable years beginning in 2008, the credit shall 28711
equal ninety-three dollars. For taxable years beginning in 2009 or 28712
thereafter, the credit shall equal eighty-eight dollars. The 28713
credit shall be claimed in the order required under section 28714
5747.98 of the Revised Code. 28715

Sec. 5747.11. (A) The tax commissioner shall refund to 28716
employers, qualifying entities, or taxpayers, with respect to any 28717
tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 28718
5748. of the Revised Code: 28719

(1) Overpayments of more than one dollar; 28720

(2) Amounts in excess of one dollar paid illegally or 28721
erroneously; 28722

(3) Amounts in excess of one dollar paid on an illegal, 28723
erroneous, or excessive assessment. 28724

(B) Except as otherwise provided under divisions (D) and (E) 28725
of this section, applications for refund shall be filed with the 28726
tax commissioner, on the form prescribed by the commissioner, 28727
within four years from the date of the illegal, erroneous, or 28728
excessive payment of the tax, or within any additional period 28729
allowed by division (B)(3)(b) of section 5747.05, division (B) of 28730
section 5747.10, division (A) of section 5747.13, or division (C) 28731

of section 5747.45 of the Revised Code. 28732

On filing of the refund application, the commissioner shall 28733
determine the amount of refund due and certify such amount to the 28734
director of budget and management and treasurer of state for 28735
payment from the tax refund fund created by section 5703.052 of 28736
the Revised Code. Payment shall be made as provided in division 28737
(C) of section ~~117.45~~ 126.35 of the Revised Code. 28738

(C)(1) Interest shall be allowed and paid upon any illegal or 28739
erroneous assessment in excess of one dollar in respect of the tax 28740
imposed under section 5747.02 or Chapter 5748. of the Revised Code 28741
at the rate per annum prescribed by section 5703.47 of the Revised 28742
Code from the date of the payment of the illegal or erroneous 28743
assessment until the date the refund of such amount is paid. If 28744
such refund results from the filing of a return or report, or the 28745
payment accompanying such return or report, by an employer or 28746
taxpayer, rather than from an assessment by the commissioner, such 28747
interest shall run from a period ninety days after the final 28748
filing date of the annual return until the date the refund is 28749
paid. 28750

(2) Interest shall be allowed and paid at the rate per annum 28751
prescribed by section 5703.47 of the Revised Code upon any 28752
overpayment in excess of one dollar in respect of the tax imposed 28753
under section 5747.02 or Chapter 5748. of the Revised Code from 28754
the date of the overpayment until the date of the refund of the 28755
overpayment, except that if any overpayment is refunded within 28756
ninety days after the final filing date of the annual return or 28757
ninety days after the return is filed, whichever is later, no 28758
interest shall be allowed on such overpayment. If the overpayment 28759
results from the carryback of a net operating loss or net capital 28760
loss to a previous taxable year, the overpayment is deemed not to 28761
have been made prior to the filing date, including any extension 28762
thereof, for the taxable year in which the net operating loss or 28763

net capital loss arises. For purposes of the payment of interest 28764
on overpayments, no amount of tax, for any taxable year, shall be 28765
treated as having been paid before the date on which the tax 28766
return for that year was due without regard to any extension of 28767
time for filing such return. 28768

(3) Interest shall be allowed at the rate per annum 28769
prescribed by section 5703.47 of the Revised Code on amounts 28770
refunded with respect to the taxes imposed under sections 5733.41 28771
and 5747.41 of the Revised Code. The interest shall run from 28772
whichever of the following days is the latest until the day the 28773
refund is paid: the day the illegal, erroneous, or excessive 28774
payment was made; the ninetieth day after the final day the annual 28775
report was required to be filed under section 5747.42 of the 28776
Revised Code; or the ninetieth day after the day that report was 28777
filed. 28778

(D) "Ninety days" shall be substituted for "four years" in 28779
division (B) of this section if the taxpayer satisfies both of the 28780
following conditions: 28781

(1) The taxpayer has applied for a refund based in whole or 28782
in part upon section 5747.059 of the Revised Code; 28783

(2) The taxpayer asserts that either the imposition or 28784
collection of the tax imposed or charged by this chapter or any 28785
portion of such tax violates the Constitution of the United States 28786
or the Constitution of Ohio. 28787

(E)(1) Division (E)(2) of this section applies only if all of 28788
the following conditions are satisfied: 28789

(a) A qualifying entity pays an amount of the tax imposed by 28790
section 5733.41 or 5747.41 of the Revised Code; 28791

(b) The taxpayer is a qualifying investor as to that 28792
qualifying entity; 28793

(c) The taxpayer did not claim the credit provided for in 28794
section 5747.059 of the Revised Code as to the tax described in 28795
division (E)(1)(a) of this section; 28796

(d) The four-year period described in division (B) of this 28797
section has ended as to the taxable year for which the taxpayer 28798
otherwise would have claimed that credit. 28799

(2) A taxpayer shall file an application for refund pursuant 28800
to division (E) of this section within one year after the date the 28801
payment described in division (E)(1)(a) of this section is made. 28802
An application filed under division (E)(2) of this section shall 28803
claim refund only of overpayments resulting from the taxpayer's 28804
failure to claim the credit described in division (E)(1)(c) of 28805
this section. Nothing in division (E) of this section shall be 28806
construed to relieve a taxpayer from complying with division 28807
(A)(16) of section 5747.01 of the Revised Code. 28808

Sec. 5747.331. (A) As used in this section: 28809

(1) "Borrower" means any person that receives a loan from the 28810
director of development under section 166.21 of the Revised Code, 28811
regardless of whether the borrower is subject to the tax imposed 28812
by section 5747.02 of the Revised Code. 28813

(2) "Related member" has the same meaning as in section 28814
5733.042 of the Revised Code. 28815

(3) "Qualified research and development loan payments" has 28816
the same meaning as in division (D) of section 166.21 of the 28817
Revised Code. 28818

(B) Beginning with taxable year 2003 and ending with taxable 28819
years beginning in 2007, a nonrefundable credit is allowed against 28820
the tax imposed by section 5747.02 of the Revised Code equal to a 28821
borrower's qualified research and development loan payments made 28822
during the calendar year that includes the last day of the taxable 28823

year for which the credit is claimed. The amount of the credit for 28824
a taxable year shall not exceed one hundred fifty thousand 28825
dollars. No taxpayer is entitled to claim a credit under this 28826
section unless it has obtained a certificate issued by the 28827
director of development under division (D) of section 166.21 of 28828
the Revised Code and submits a copy of the certificate with its 28829
report for the taxable year. Failure to submit a copy of the 28830
certificate with the report does not invalidate a claim for a 28831
credit if the taxpayer submits a copy of the certificate within 28832
sixty days after the tax commissioner requests it. The credit 28833
shall be claimed in the order required under section 5747.98 of 28834
the Revised Code. The credit, to the extent it exceeds the 28835
taxpayer's tax liability for the taxable year after allowance for 28836
any other credits that precede the credit under this section in 28837
that order, shall be carried forward to the next succeeding 28838
taxable year or years until fully used. Any credit not fully 28839
utilized by the taxable year beginning in 2007 may be carried 28840
forward and applied against the tax levied by Chapter 5751. of the 28841
Revised Code to the extent allowed by section 5751.52 of the 28842
Revised Code. 28843

(C) A borrower entitled to a credit under this section may 28844
assign the credit, or a portion thereof, to any of the following: 28845

(1) A related member of that borrower; 28846

(2) The owner or lessee of the eligible research and 28847
development project; 28848

(3) A related member of the owner or lessee of the eligible 28849
research and development project. 28850

A borrower making an assignment under this division shall 28851
provide written notice of the assignment to the tax commissioner 28852
and the director of development, in such form as the tax 28853
commissioner prescribes, before the credit that was assigned is 28854

used. The assignor may not claim the credit to the extent it was
assigned to an assignee. The assignee may claim the credit only to
the extent the assignor has not claimed it.

(D) If any taxpayer is a shareholder in an S corporation, a
partner in a partnership, or a member in a limited liability
company treated as a partnership for federal income tax purposes,
the taxpayer shall be allowed the taxpayer's distributive or
proportionate share of the credit available through the S
corporation, partnership, or limited liability company.

(E) The aggregate credit against the taxes imposed by
sections 5733.06, 5733.065, 5733.066, and 5747.02 of the Revised
Code that may be claimed under this section and section 5733.352
of the Revised Code by a borrower as a result of qualified
research and development loan payments attributable during a
calendar year to any one loan shall not exceed one hundred fifty
thousand dollars.

Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted
under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed
prior to its repeal by Amended Substitute House Bill No. 291 of
the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in
Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended
Substitute Senate Bill No. 17 of the 122nd general assembly.

(B) "Individual" means an individual subject to the tax
levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by

section 5747.02 of the Revised Code. 28884

(D) "Taxable year" means a taxable year as defined in 28885
division (M) of section 5747.01 of the Revised Code. 28886

(E) "Taxable income" means: 28887

(1) In the case of an individual, one of the following, as 28888
specified in the resolution imposing the tax: 28889

(a) Ohio adjusted gross income for the taxable year as 28890
defined in division (A) of section 5747.01 of the Revised Code, 28891
less the exemptions provided by section 5747.02 of the Revised 28892
Code, and less military pay and allowances the deduction of which 28893
has been authorized pursuant to section 5748.011 of the Revised 28894
Code; 28895

(b) Wages, salaries, tips, and other employee compensation to 28896
the extent included in Ohio adjusted gross income as defined in 28897
section 5747.01 of the Revised Code, less military pay and 28898
allowances the deduction of which has been authorized pursuant to 28899
section 5748.011 of the Revised Code, and net earnings from 28900
self-employment, as defined in section 1402(a) of the Internal 28901
Revenue Code, to the extent included in Ohio adjusted gross 28902
income. 28903

(2) In the case of an estate, taxable income for the taxable 28904
year as defined in division (S) of section 5747.01 of the Revised 28905
Code. 28906

(F) Except as provided in section 5747.25 of the Revised 28907
Code, "resident" of the school district means: 28908

(1) An individual who is a resident of this state as defined 28909
in division (I) of section 5747.01 of the Revised Code during all 28910
or a portion of the taxable year and who, during all or a portion 28911
of such period of state residency, is domiciled in the school 28912
district or lives in and maintains a permanent place of abode in 28913

the school district; 28914

(2) An estate of a decedent who, at the time of death, was 28915
domiciled in the school district. 28916

(G) "School district income" means: 28917

(1) With respect to an individual, the portion of the taxable 28918
income of an individual that is received by the individual during 28919
the portion of the taxable year that the individual is a resident 28920
of the school district and the school district income tax is in 28921
effect in that school district. An individual may have school 28922
district income with respect to more than one school district. 28923

(2) With respect to an estate, the taxable income of the 28924
estate for the portion of the taxable year that the school 28925
district income tax is in effect in that school district. 28926

(H) "Taxpayer" means an individual or estate having school 28927
district income upon which a school district income tax is 28928
imposed. 28929

(I) "School district purposes" means any of the purposes for 28930
which a tax may be levied pursuant to section 5705.21 of the 28931
Revised Code. 28932

Sec. 5748.011. The board of education of a school district 28933
that levies a school district income tax under this chapter may, 28934
by resolution, authorize individuals to deduct, in computing an 28935
individual's taxable income under section 5748.01 of the Revised 28936
Code, military pay and allowances received by the individual 28937
during the taxable year for service in the United States army, air 28938
force, navy, marine corps, or coast guard or reserve components 28939
thereof or the national guard if the military pay and allowances 28940
were received by the individual while the individual was stationed 28941
outside this state. A deduction authorized pursuant to this 28942
section may be claimed only to the extent the military pay and 28943

allowances are included in an individual's federal adjusted gross 28944
income, as defined and used in the Internal Revenue Code, and are 28945
not otherwise allowable as a deduction or exclusion in computing 28946
the individual's federal or Ohio adjusted gross income for the 28947
taxable year as defined in section 5747.01 of the Revised Code. A 28948
resolution authorizing the deduction shall specify the taxable 28949
year with respect to which the deduction first applies. 28950

Sec. 5748.02. (A) The board of education of any school 28951
district, except a joint vocational school district, may declare, 28952
by resolution, the necessity of raising annually a specified 28953
amount of money for school district purposes. The resolution shall 28954
specify whether the income that is to be subject to the tax is 28955
taxable income of individuals and estates as defined in divisions 28956
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 28957
taxable income of individuals as defined in division (E)(1)(b) of 28958
that section. A copy of the resolution shall be certified to the 28959
tax commissioner no later than eighty-five days prior to the date 28960
of the election at which the board intends to propose a levy under 28961
this section. Upon receipt of the copy of the resolution, the tax 28962
commissioner shall estimate both of the following: 28963

(1) The property tax rate that would have to be imposed in 28964
the current year by the district to produce an equivalent amount 28965
of money; 28966

(2) The income tax rate that would have had to have been in 28967
effect for the current year to produce an equivalent amount of 28968
money from a school district income tax. 28969

Within ten days of receiving the copy of the board's 28970
resolution, the commissioner shall prepare these estimates and 28971
certify them to the board. Upon receipt of the certification, the 28972
board may adopt a resolution proposing an income tax under 28973

division (B) of this section at the estimated rate contained in 28974
the certification rounded to the nearest one-fourth of one per 28975
cent. The commissioner's certification applies only to the board's 28976
proposal to levy an income tax at the election for which the board 28977
requested the certification. If the board intends to submit a 28978
proposal to levy an income tax at any other election, it shall 28979
request another certification for that election in the manner 28980
prescribed in this division. 28981

(B)(1) Upon the receipt of a certification from the tax 28982
commissioner under division (A) of this section, a majority of the 28983
members of a board of education may adopt a resolution proposing 28984
the levy of an annual tax for school district purposes on school 28985
district income. The proposed levy may be for a continuing period 28986
of time or for a specified number of years. The resolution shall 28987
set forth the purpose for which the tax is to be imposed, the rate 28988
of the tax, which shall be the rate set forth in the 28989
commissioner's certification rounded to the nearest one-fourth of 28990
one per cent, the number of years the tax will be levied or that 28991
it will be levied for a continuing period of time, the date on 28992
which the tax shall take effect, which shall be the first day of 28993
January of any year following the year in which the question is 28994
submitted, and the date of the election at which the proposal 28995
shall be submitted to the electors of the district, which shall be 28996
on the date of a primary, general, or special election the date of 28997
which is consistent with section 3501.01 of the Revised Code. The 28998
resolution shall specify whether the income that is to be subject 28999
to the tax is taxable income of individuals and estates as defined 29000
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 29001
Code or taxable income of individuals as defined in division 29002
(E)(1)(b) of that section. The specification shall be the same as 29003
the specification in the resolution adopted and certified under 29004
division (A) of this section. If the board of education currently 29005

imposes an income tax pursuant to this chapter that is due to
expire and a question is submitted under this section for a
proposed income tax to take effect upon the expiration of the
existing tax, the board may specify in the resolution that the
proposed tax renews the expiring tax and is not an additional
income tax, provided that the tax rate being proposed is no higher
than the tax rate that is currently imposed.

(2) A board of education adopting a resolution under division
(B)(1) of this section proposing a school district income tax for
a continuing period of time and limited to the purpose of current
expenses may propose in that resolution to reduce the rate or
rates of one or more of the school district's property taxes
levied for a continuing period of time in excess of the ten-mill
limitation for the purpose of current expenses. The reduction in
the rate of a property tax may be any amount, expressed in mills
per one dollar in valuation, not exceeding the rate at which the
tax is authorized to be levied. The reduction in the rate of a tax
shall first take effect for the tax year that includes the day on
which the school district income tax first takes effect, and shall
continue for each tax year that both the school district income
tax and the property tax levy are in effect.

In addition to the matters required to be set forth in the
resolution under division (B)(1) of this section, a resolution
containing a proposal to reduce the rate of one or more property
taxes shall state for each such tax the maximum rate at which it
currently may be levied and the maximum rate at which the tax
could be levied after the proposed reduction, expressed in mills
per one dollar in valuation, and that the tax is levied for a
continuing period of time.

If a board of education proposes to reduce the rate of one or
more property taxes under division (B)(2) of this section, the
board, when it makes the certification required under division (A)

of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least seventy-five days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of notice of the election shall be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks. The notice shall contain the time and place of the election and the question to be submitted to the electors. The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers.

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question

twice in any calendar year, one of the elections on the question 29070
shall be held on the date of the general election. 29071

(E)(1) No board of education may submit to the electors of 29072
the district the question of a tax on school district income on 29073
the taxable income of individuals as defined in division (E)(1)(b) 29074
of section 5748.01 of the Revised Code if that tax would be in 29075
addition to an existing tax on the taxable income of individuals 29076
and estates as defined in divisions (E)(1)(a) and (2) of that 29077
section. 29078

(2) No board of education may submit to the electors of the 29079
district the question of a tax on school district income on the 29080
taxable income of individuals and estates as defined in divisions 29081
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 29082
tax would be in addition to an existing tax on the taxable income 29083
of individuals as defined in division (E)(1)(b) of that section. 29084

Sec. 5751.01. As used in this chapter: 29085

(A) "Person" means, but is not limited to, individuals, 29086
combinations of individuals of any form, receivers, assignees, 29087
trustees in bankruptcy, firms, companies, joint-stock companies, 29088
business trusts, estates, partnerships, limited liability 29089
partnerships, limited liability companies, associations, joint 29090
ventures, clubs, societies, for-profit corporations, S 29091
corporations, qualified subchapter S subsidiaries, qualified 29092
subchapter S trusts, trusts, entities that are disregarded for 29093
federal income tax purposes, and any other entities. "Person" does 29094
not include nonprofit organizations or the state, its agencies, 29095
its instrumentalities, and its political subdivisions. 29096

(B) "Consolidated elected taxpayer" means a group of two or 29097
more persons treated as a single taxpayer for purposes of this 29098
chapter as the result of an election made under section 5751.011 29099

of the Revised Code. 29100

(C) "Combined taxpayer" means a group of two or more persons 29101
treated as a single taxpayer for purposes of this chapter under 29102
section 5751.012 of the Revised Code. 29103

(D) "Taxpayer" means any person, or any group of persons in 29104
the case of a consolidated elected taxpayer or combined taxpayer 29105
treated as one taxpayer, required to register or pay tax under 29106
this chapter. "Taxpayer" does not include excluded persons. 29107

(E) "Excluded person" means any of the following: 29108

(1) Any person with not more than one hundred fifty thousand 29109
dollars of taxable gross receipts during the calendar year. 29110
Division (E)(1) of this section does not apply to a person that is 29111
a member of a group that is a consolidated elected taxpayer or a 29112
combined taxpayer; 29113

(2) A public utility that paid the excise tax imposed by 29114
section 5727.24 or 5727.30 of the Revised Code based on one or 29115
more measurement periods that include the entire tax period under 29116
this chapter, except that a public utility that is a combined 29117
company is a taxpayer with regard to the following gross receipts: 29118

(a) Taxable gross receipts directly attributed to a public 29119
utility activity, but not directly attributed to an activity that 29120
is subject to the excise tax imposed by section 5727.24 or 5727.30 29121
of the Revised Code; 29122

(b) Taxable gross receipts that cannot be directly attributed 29123
to any activity, multiplied by a fraction whose numerator is the 29124
taxable gross receipts described in division (E)(2)(a) of this 29125
section and whose denominator is the total taxable gross receipts 29126
that can be directly attributed to any activity; 29127

(c) Except for any differences resulting from the use of an 29128
accrual basis method of accounting for purposes of determining 29129

gross receipts under this chapter and the use of the cash basis 29130
method of accounting for purposes of determining gross receipts 29131
under section 5727.24 of the Revised Code, the gross receipts 29132
directly attributed to the activity of a natural gas company shall 29133
be determined in a manner consistent with division (D) of section 29134
5727.03 of the Revised Code. 29135

As used in division (E)(2) of this section, "combined 29136
company" and "public utility" have the same meanings as in section 29137
5727.01 of the Revised Code. 29138

(3) A financial institution, as defined in section 5725.01 of 29139
the Revised Code, that paid the corporation franchise tax charged 29140
by division (D) of section 5733.06 of the Revised Code based on 29141
one or more taxable years that include the entire tax period under 29142
this chapter; 29143

(4) A dealer in intangibles, as defined in section 5725.01 of 29144
the Revised Code, that paid the dealer in intangibles tax levied 29145
by division (D) of section 5707.03 of the Revised Code based on 29146
one or more measurement periods that include the entire tax period 29147
under this chapter; 29148

(5) A financial holding company as defined in the "Bank 29149
Holding Company Act," 12 U.S.C. 1841(p); 29150

(6) A bank holding company as defined in the "Bank Holding 29151
Company Act," 12 U.S.C. 1841(a); 29152

(7) A savings and loan holding company as defined in the 29153
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 29154
only in activities or investments permissible for a financial 29155
holding company under 12 U.S.C. 1843(k); 29156

(8) A person directly or indirectly owned by one or more 29157
financial institutions, financial holding companies, bank holding 29158
companies, or savings and loan holding companies described in 29159

division (E)(3), (5), (6), or (7) of this section that is engaged 29160
in activities permissible for a financial holding company under 12 29161
U.S.C. 1843(k), except that any such person held pursuant to 29162
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 29163
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 29164
directly or indirectly owned by one or more insurance companies 29165
described in division (E)(9) of this section that is authorized to 29166
do the business of insurance in this state. 29167

For the purposes of division (E)(8) of this section, a person 29168
owns another person under the following circumstances: 29169

(a) In the case of corporations issuing capital stock, one 29170
corporation owns another corporation if it owns fifty per cent or 29171
more of the other corporation's capital stock with current voting 29172
rights; 29173

(b) In the case of a limited liability company, one person 29174
owns the company if that person's membership interest, as defined 29175
in section 1705.01 of the Revised Code, is fifty per cent or more 29176
of the combined membership interests of all persons owning such 29177
interests in the company; 29178

(c) In the case of a partnership, trust, or other 29179
unincorporated business organization other than a limited 29180
liability company, one person owns the organization if, under the 29181
articles of organization or other instrument governing the affairs 29182
of the organization, that person has a beneficial interest in the 29183
organization's profits, surpluses, losses, or distributions of 29184
fifty per cent or more of the combined beneficial interests of all 29185
persons having such an interest in the organization; 29186

(d) In the case of multiple ownership, the ownership 29187
interests of more than one person may be aggregated to meet the 29188
fifty per cent ownership tests in this division only when each 29189
such owner is described in division (E)(3), (5), (6), or (7) of 29190

this section and is engaged in activities permissible for a 29191
financial holding company under 12 U.S.C. 1843(k) or is a person 29192
directly or indirectly owned by one or more insurance companies 29193
described in division (E)(9) of this section that is authorized to 29194
do the business of insurance in this state; 29195

(9) A domestic insurance company or foreign insurance 29196
company, as defined in section 5725.01 of the Revised Code, that 29197
paid the insurance company premiums tax imposed by section 5725.18 29198
or Chapter 5729. of the Revised Code based on one or more 29199
measurement periods that include the entire tax period under this 29200
chapter; 29201

(10) A person that solely facilitates or services one or more 29202
securitizations or similar transactions for any person described 29203
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 29204
For purposes of this division, "securitization" means transferring 29205
one or more assets to one or more persons and then issuing 29206
securities backed by the right to receive payment from the asset 29207
or assets so transferred. 29208

(11) Except as otherwise provided in this division, a 29209
pre-income tax trust as defined in division (FF)(4) of section 29210
5747.01 of the Revised Code and any pass-through entity of which 29211
such pre-income tax trust owns or controls, directly, indirectly, 29212
or constructively through related interests, more than five per 29213
cent of the ownership or equity interests. If the pre-income tax 29214
trust has made a qualifying pre-income tax trust election under 29215
division (FF)(3) of section 5747.01 of the Revised Code, then the 29216
trust and the pass-through entities of which it owns or controls, 29217
directly, indirectly, or constructively through related interests, 29218
more than five per cent of the ownership or equity interests, 29219
shall not be excluded persons for purposes of the tax imposed 29220
under section 5751.02 of the Revised Code. 29221

(F) Except as otherwise provided in divisions (F)(2), (3), 29222
and (4), ~~and (5)~~ of this section, "gross receipts" means the total 29223
amount realized by a person, without deduction for the cost of 29224
goods sold or other expenses incurred, that contributes to the 29225
production of gross income of the person, including the fair 29226
market value of any property and any services received, and any 29227
debt transferred or forgiven as consideration. 29228

(1) The following are examples of gross receipts: 29229

(a) Amounts realized from the sale, exchange, or other 29230
disposition of the taxpayer's property to or with another; 29231

(b) Amounts realized from the taxpayer's performance of 29232
services for another; 29233

(c) Amounts realized from another's use or possession of the 29234
taxpayer's property or capital; 29235

(d) Any combination of the foregoing amounts. 29236

(2) "Gross receipts" excludes the following amounts: 29237

(a) Interest income except interest on credit sales; 29238

(b) Dividends and distributions from corporations, and 29239
distributive or proportionate shares of receipts and income from a 29240
pass-through entity as defined under section 5733.04 of the 29241
Revised Code; 29242

(c) Receipts from the sale, exchange, or other disposition of 29243
an asset described in section 1221 or 1231 of the Internal Revenue 29244
Code, without regard to the length of time the person held the 29245
asset; 29246

(d) Proceeds received attributable to the repayment, 29247
maturity, or redemption of the principal of a loan, bond, mutual 29248
fund, certificate of deposit, or marketable instrument; 29249

(e) The principal amount received under a repurchase 29250

agreement or on account of any transaction properly characterized	29251
as a loan to the person;	29252
(f) Contributions received by a trust, plan, or other	29253
arrangement, any of which is described in section 501(a) of the	29254
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	29255
1, Subchapter (D) of the Internal Revenue Code applies;	29256
(g) Compensation, whether current or deferred, and whether in	29257
cash or in kind, received or to be received by an employee, former	29258
employee, or the employee's legal successor for services rendered	29259
to or for an employer, including reimbursements received by or for	29260
an individual for medical or education expenses, health insurance	29261
premiums, or employee expenses, or on account of a dependent care	29262
spending account, legal services plan, any cafeteria plan	29263
described in section 125 of the Internal Revenue Code, or any	29264
similar employee reimbursement;	29265
(h) Proceeds received from the issuance of the taxpayer's own	29266
stock, options, warrants, puts, or calls, or from the sale of the	29267
taxpayer's treasury stock;	29268
(i) Proceeds received on the account of payments from life	29269
insurance policies;	29270
(j) Gifts or charitable contributions received, membership	29271
dues received, and payments received for educational courses,	29272
meetings, meals, or similar payments to a trade, professional, or	29273
other similar association; fundraising receipts received by any	29274
person when any excess receipts are donated or used exclusively	29275
for charitable purposes; and proceeds received by a nonprofit	29276
organization including proceeds realized with regard to its	29277
unrelated business taxable income;	29278
(k) Damages received as the result of litigation in excess of	29279
amounts that, if received without litigation, would be gross	29280
receipts;	29281

(l) Property, money, and other amounts received or acquired	29282
by an agent on behalf of another in excess of the agent's	29283
commission, fee, or other remuneration;	29284
(m) Tax refunds and , other tax benefit recoveries, <u>and</u>	29285
<u>reimbursements for the tax imposed under this chapter made by</u>	29286
<u>entities that are part of the same combined taxpayer or</u>	29287
<u>consolidated elected taxpayer group, and reimbursements made by</u>	29288
<u>entities that are not members of a combined taxpayer or</u>	29289
<u>consolidated elected taxpayer group that are required to be made</u>	29290
<u>for economic parity among multiple owners of an entity whose tax</u>	29291
<u>obligation under this chapter is required to be reported and paid</u>	29292
<u>entirely by one owner, pursuant to the requirements of sections</u>	29293
<u>5751.011 and 5751.012 of the Revised Code;</u>	29294
(n) Pension reversions;	29295
(o) Contributions to capital;	29296
(p) Sales or use taxes collected as a vendor or an	29297
out-of-state seller on behalf of the taxing jurisdiction from a	29298
consumer <u>or other taxes the taxpayer is required by law to collect</u>	29299
<u>directly from a purchaser and remit to a local, state, or federal</u>	29300
<u>tax authority;</u>	29301
(q) In the case of receipts from the sale of cigarettes or	29302
tobacco products by a wholesale dealer, retail dealer,	29303
distributor, manufacturer, or seller, all as defined in section	29304
5743.01 of the Revised Code, an amount equal to the federal and	29305
state excise taxes paid by any person on or for such cigarettes or	29306
tobacco products under subtitle E of the Internal Revenue Code or	29307
Chapter 5743. of the Revised Code;	29308
(r) In the case of receipts from the sale of motor fuel by a	29309
licensed motor fuel dealer, licensed retail dealer, or licensed	29310
permissive motor fuel dealer, all as defined in section 5735.01 of	29311
the Revised Code, an amount equal to federal and state excise	29312

taxes paid by any person on such motor fuel under section 4081 of
the Internal Revenue Code or Chapter 5735. of the Revised Code; 29313
29314

(s) In the case of receipts from the sale of beer or 29315
intoxicating liquor, as defined in section 4301.01 of the Revised 29316
Code, by a person holding a permit issued under Chapter 4301. or 29317
4303. of the Revised Code, an amount equal to federal and state 29318
excise taxes paid by any person on or for such beer or 29319
intoxicating liquor under subtitle E of the Internal Revenue Code 29320
or Chapter 4301. or 4305. of the Revised Code; 29321

(t) Receipts realized by a new motor vehicle dealer or used 29322
motor vehicle dealer, as defined in section 4517.01 of the Revised 29323
Code, from the sale or other transfer of a motor vehicle, as 29324
defined in that section, to another motor vehicle dealer for the 29325
purpose of resale by the transferee motor vehicle dealer, but only 29326
if the sale or other transfer was based upon the transferee's need 29327
to meet a specific customer's preference for a motor vehicle; 29328

(u) Receipts from a financial institution described in 29329
division (E)(3) of this section for services provided to the 29330
financial institution in connection with the issuance, processing, 29331
servicing, and management of loans or credit accounts, if such 29332
financial institution and the recipient of such receipts have at 29333
least fifty per cent of their ownership interests owned or 29334
controlled, directly or constructively through related interests, 29335
by common owners; 29336

(v) Receipts realized from administering anti-neoplastic 29337
drugs and other cancer chemotherapy, biologicals, therapeutic 29338
agents, and supportive drugs in a physician's office to patients 29339
with cancer; 29340

(w) Funds received or used by a mortgage broker that is not a 29341
dealer in intangibles, other than fees or other consideration, 29342
pursuant to a table-funding mortgage loan or warehouse-lending 29343

mortgage loan. Terms used in division (F)(2)~~(x)~~(w) of this section 29344
have the same meanings as in section 1322.01 of the Revised Code, 29345
except "mortgage broker" means a person assisting a buyer in 29346
obtaining a mortgage loan for a fee or other consideration paid by 29347
the buyer or a lender, or a person engaged in table-funding or 29348
warehouse-lending mortgage loans that are first lien mortgage 29349
loans. 29350

(x) Property, money, and other amounts received by a 29351
professional employer organization, as defined in section 4125.01 29352
of the Revised Code, from a client employer, as defined in that 29353
section, in excess of the administrative fee charged by the 29354
professional employer organization to the client employer; 29355

(y) In the case of amounts retained as commissions by a 29356
permit holder under Chapter 3769. of the Revised Code, an amount 29357
equal to the amounts specified under that chapter that must be 29358
paid to or collected by the tax commissioner as a tax and the 29359
amounts specified under that chapter to be used as purse money; 29360

(z) Any receipts for which the tax imposed by this chapter is 29361
prohibited by the constitution or laws of the United States or the 29362
constitution of this state. 29363

(3) In the case of a taxpayer when acting as a real estate 29364
broker, "gross receipts" includes only the portion of any fee for 29365
the service of a real estate broker, or service of a real estate 29366
salesperson associated with that broker, that is retained by the 29367
broker and not paid to an associated real estate salesperson or 29368
another real estate broker. For the purposes of this division, 29369
"real estate broker" and "real estate salesperson" have the same 29370
meanings as in section 4735.01 of the Revised Code. 29371

(4) A taxpayer's method of accounting for gross receipts for 29372
a tax period shall be the same as the taxpayer's method of 29373
accounting for federal income tax purposes for the taxpayer's 29374

federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:

(a) Cash discounts allowed and taken;

(b) Returns and allowances;

(c) ~~Bad debts from receipts upon which the tax imposed by this chapter was paid in a prior quarterly tax payment period.~~ For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;

(d) Any amount realized from the sale of an account receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any

of the following applies. The person:	29405
(1) Owns or uses a part or all of its capital in this state;	29406
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	29407 29408
(3) Has bright-line presence in this state;	29409
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the constitution of the United States.	29410 29411 29412
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	29413 29414 29415
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	29416 29417 29418 29419 29420
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	29421 29422 29423
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	29424 29425
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	29426 29427 29428
(c) Any amount the person pays for services performed in this state on its behalf by another.	29429 29430
(3) Has during the calendar year taxable gross receipts in this state of at least five hundred thousand dollars.	29431 29432
(4) Has at any time during the calendar year within this	29433

state at least twenty-five per cent of the person's total	29434
property, total payroll, or total sales <u>gross receipts</u> .	29435
(5) Is domiciled in this state as an individual or for	29436
corporate, commercial, or other business purposes.	29437
(J) "Tangible personal property" has the same meaning as in	29438
section 5739.01 of the Revised Code.	29439
(K) "Internal Revenue Code" means the Internal Revenue Code	29440
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in	29441
this chapter that is not otherwise defined has the same meaning as	29442
when used in a comparable context in the laws of the United States	29443
relating to federal income taxes unless a different meaning is	29444
clearly required. Any reference in this chapter to the Internal	29445
Revenue Code includes other laws of the United States relating to	29446
federal income taxes.	29447
(L) "Calendar quarter" means a three-month period ending on	29448
the thirty-first day of March, the thirtieth day of June, the	29449
thirtieth day of September, or the thirty-first day of December.	29450
(M) "Tax period" means the calendar quarter or calendar year	29451
on the basis of which a taxpayer is required to pay the tax	29452
imposed under this chapter.	29453
(N) "Calendar year taxpayer" means a taxpayer for which the	29454
tax period is a calendar year.	29455
(O) "Calendar quarter taxpayer" means a taxpayer for which	29456
the tax period is a calendar quarter.	29457
(P) "Agent" means a person authorized by another person to	29458
act on its behalf to undertake a transaction for the other,	29459
including any of the following:	29460
(1) A person receiving a fee to sell financial instruments;	29461
(2) A person retaining only a commission from a transaction	29462
with the other proceeds from the transaction being remitted to	29463

another person;	29464
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	29465 29466
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	29467 29468
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	29469 29470
(Q) "Received" includes amounts accrued under the accrual method of accounting.	29471 29472
Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements:	29473 29474 29475
(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners. At the election of the group, all foreign corporations meeting <u>entities that are not incorporated or formed under the laws of a state or of the United States and that meet</u> the elected ownership test shall either be included in the group or all shall be excluded from the group. The group shall notify the tax commissioner of the foregoing elections at the time of filing the initial registration required under section 5751.04 of the Revised Code <u>before the due date of the return in which the election is to become effective.</u> If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that	29476 29477 29478 29479 29480 29481 29482 29483 29484 29485 29486 29487 29488 29489 29490 29491 29492 29493

person is a member of each group for the purposes of this section, 29494
and each group shall include in the group's taxable gross receipts 29495
fifty per cent of that person's taxable gross receipts. Otherwise, 29496
all of that person's taxable gross receipts shall be included in 29497
the taxable gross receipts of the consolidated elected taxpayer 29498
group of which the person is a member. In no event shall the 29499
ownership or control of fifty per cent of the value of a person's 29500
ownership interests by two otherwise unrelated groups form the 29501
basis for consolidating the groups into a single consolidated 29502
elected taxpayer group or permit any exclusion under division (C) 29503
of this section of taxable gross receipts between members of the 29504
two groups. Division (A)(3) of this section applies with respect 29505
to the elections described in this division. 29506

(2) The group ~~applies to the tax commissioner for approval~~ 29507
makes the election to be treated as a consolidated elected 29508
taxpayer ~~pursuant to~~ in the manner prescribed under division (D) 29509
of this section. 29510

(3) ~~The~~ Subject to review and audit by the tax commissioner, 29511
the group agrees that ~~if the commissioner approves the election,~~ 29512
all of the following apply: 29513

(a) The group shall file reports as a single taxpayer for at 29514
least the next eight calendar quarters following the election so 29515
long as at least two or more of the members of the group meet the 29516
requirements of division (A)(1) of this section. 29517

(b) Before the expiration of the eighth such calendar 29518
quarter, the group shall notify the commissioner if it elects to 29519
cancel its designation as a consolidated elected taxpayer. If the 29520
group does not so notify the tax commissioner, the election 29521
remains in effect for another eight calendar quarters. 29522

(c) If, at any time during any of those eight calendar 29523
quarters following the election, a former member of the group no 29524

longer meets the requirements under division (A)(1) of this 29525
section, that member shall report and pay the tax imposed under 29526
this chapter separately, as a member of a combined taxpayer, or, 29527
if the former member satisfies such requirements with respect to 29528
another consolidated elected group, as a member of that 29529
consolidated elected group. 29530

(d) The group agrees to the application of division (B) of 29531
this section. 29532

(B) A group of persons making the election under this section 29533
shall report and pay tax on all of the group's taxable gross 29534
receipts even if substantial nexus with this state does not exist 29535
for one or more persons in the group. 29536

(C)(1) A consolidated elected taxpayer shall exclude taxable 29537
gross receipts between its members and taxable gross receipts 29538
received by a person enumerated in divisions (E)(2) to (10) of 29539
section 5751.01 of the Revised Code, except for taxable gross 29540
receipts received by a member described in division (E)(4) of 29541
section 5751.01 of the Revised Code that is not a qualifying 29542
dealer as defined in section 5725.24 of the Revised Code. Except 29543
as provided in division (C)(2) of this section, nothing in this 29544
section shall have the effect of excluding taxable gross receipts 29545
received from persons that are not members of the group. 29546

(2) Gross receipts related to the sale or transmission of 29547
electricity through the use of an intermediary regional 29548
transmission organization approved by the federal energy 29549
regulatory commission shall be excluded from taxable gross 29550
receipts under division (C)(1) of this section if all other 29551
requirements of that division are met, even if the receipts are 29552
from and to the same member of the group. 29553

(D) To make the election to be a consolidated elected 29554
taxpayer, a group of persons shall ~~apply to~~ notify the tax 29555

commissioner of the election in the manner prescribed by the 29556
commissioner and pay the commissioner a registration fee equal to 29557
the lesser of two hundred dollars or twenty dollars for each 29558
person in the group. No additional fee shall be imposed for the 29559
addition of new members to the group once the group has remitted a 29560
fee in the amount of two hundred dollars. The ~~application~~ election 29561
shall be ~~filed~~ made and the fee paid before the later of the 29562
beginning of the first calendar quarter to which the election 29563
applies or November 15, 2005. The fee shall be collected and used 29564
in the same manner as provided in section 5751.04 of the Revised 29565
Code. 29566

The election shall be made on a form prescribed by the tax 29567
commissioner for that purpose and shall be signed by one or more 29568
individuals with authority, separately or together, to make a 29569
binding election on behalf of all persons in the group. ~~The tax~~ 29570
~~commissioner shall approve a group's election if the group~~ 29571
~~satisfies the requirements of division (A) of this section.~~ 29572

Any person acquired or formed after the filing of the 29573
registration shall be included in the group if the person meets 29574
the requirements of division (A)(1) of this section, and the group 29575
shall notify the tax commissioner of any additions to the group 29576
with the next tax return it files with the commissioner. 29577

(E) Each member of a consolidated elected taxpayer is jointly 29578
and severally liable for the tax imposed by this chapter and any 29579
penalties or interest thereon. The tax commissioner may require 29580
one person in the group to be the taxpayer for purposes of 29581
registration and remittance of the tax, but all members of the 29582
group are subject to assessment under section 5751.09 of the 29583
Revised Code. 29584

Sec. 5751.032. (A) As used in this section: 29585

(1) "CAT" refers to the tax levied by this chapter. 29586

(2) "CAT collected" means, with regard to a CAT test period, 29587
the net amount of CAT, exclusive of registration fees, received in 29588
the period after subtracting any CAT refunded in the period. 29589

(3) "First CAT test period" means the twenty-four month 29590
period beginning July 1, 2005, and ending June 30, 2007. 29591

(4) "Second CAT test period" means the twelve-month period 29592
beginning July 1, 2008, and ending June 30, 2009. 29593

(5) "Third CAT test period" means the twelve-month period 29594
beginning July 1, 2010, and ending June 30, 2011. 29595

(B) Not later than the last day of September immediately 29596
following the end of each CAT test period, the tax commissioner 29597
shall compute the amount of CAT collected during that test period. 29598
If the amount is less than ninety per cent or greater than one 29599
hundred ten per cent of the prescribed CAT collections for that 29600
period, the commissioner shall proceed as provided in division (C) 29601
or (D) of this section, as applicable. For the purposes of 29602
division (B) of this section, the prescribed CAT collections for 29603
the CAT test periods are as follows: 29604

(1) For the first CAT test period, eight hundred fifteen 29605
million dollars; 29606

(2) For the second CAT test period, one billion one hundred 29607
ninety million dollars less any amount credited to the commercial 29608
activity tax reduction fund with regard to the first CAT test 29609
period; 29610

(3) For the third CAT test period, one billion six hundred 29611
ten million dollars less any amount credited to the commercial 29612
activity tax reduction fund with regard to the second CAT test 29613
period. 29614

(C)(1) If the amount of CAT collected during a CAT test 29615
period is less than ninety per cent of the prescribed CAT 29616

collections for that test period, the tax commissioner shall 29617
determine a new tax rate equal to the tax rate that would have 29618
yielded the prescribed CAT collections during that test period. 29619
The tax rate shall be the rate that would have to be imposed under 29620
division (A) of section 5751.03 of the Revised Code before any 29621
applicable phase-in percentages under section 5751.031 of the 29622
Revised Code or otherwise provided by law to yield the prescribed 29623
CAT collection after applying any applicable phase-in percentages. 29624

(2) If the amount of CAT collected during a CAT test period 29625
exceeds one hundred ten per cent of the prescribed CAT collections 29626
for that test period, the tax commissioner shall determine a new 29627
tax rate equal to the tax rate that would have yielded the 29628
prescribed CAT collections during that test period less one-half 29629
of the amount of the excess that was certified to the director of 29630
budget and management for the test period under division (D) of 29631
this section. The tax rate shall be the rate that would have to be 29632
imposed under division (A) of section 5751.03 of the Revised Code 29633
before any applicable phase-in percentages under section 5751.031 29634
of the Revised Code or otherwise provided by law to yield the 29635
prescribed CAT collection after applying any applicable phase-in 29636
percentages. 29637

(3) A new tax rate computed under division (C)(1) or (2) of 29638
this section shall be expressed as a number of mills per dollar, 29639
rounded to the nearest one-hundredth of one mill. The rate shall 29640
be rounded upward by one-hundredth of one mill only if the next 29641
decimal digit is five or more. 29642

(4) Not later than the last day of September following the 29643
end of the CAT test period on the basis of which a new tax rate is 29644
computed, the tax commissioner shall certify the new tax rate to 29645
the governor, the president of the senate, the speaker of the 29646
house of representatives, and all other members of the general 29647
assembly. The commissioner shall publish the new tax rate by 29648

journal entry and provide notice of the new tax rate to taxpayers. 29649
The new tax rate shall be the rate imposed under division (A) of 29650
section 5751.03 of the Revised Code beginning with the ensuing 29651
calendar year, and is subject to any applicable phase-in 29652
percentages provided for under section 5751.031 of the Revised 29653
Code. 29654

(D) If the amount of CAT collected during a CAT test period 29655
exceeds one hundred ten per cent of the prescribed CAT collections 29656
for that test period, the tax commissioner shall certify the 29657
excess amount to the director of budget and management not later 29658
than the last day of September immediately following the end of 29659
that test period. The director shall forthwith transfer from the 29660
general revenue fund one-half of the amount of the excess so 29661
certified to the commercial activity tax refund fund, which is 29662
hereby created in the state treasury, and the remaining one-half 29663
of the amount of the excess to the budget stabilization fund. All 29664
money credited to the commercial activity tax refund fund shall be 29665
applied to reimburse the general revenue fund, school district 29666
tangible property tax replacement fund, and local government 29667
tangible property tax replacement fund for the diminution in 29668
revenue caused by the credit provided under division (D) of 29669
section 5751.03 of the Revised Code. On or before the last day of 29670
May, August, and October of the calendar year that begins after 29671
the end of the test period, and on or before the last day of 29672
February of the following calendar year, the director of budget 29673
and management shall transfer one-fourth of the amount that had 29674
been transferred to the commercial activity tax refund fund to 29675
each of those funds in the proportions specified under division 29676
(B) of section 5751.21 of the Revised Code. 29677

In the calendar year that begins immediately after the year 29678
in which a transfer is made to the commercial activity tax refund 29679
fund, the tax commissioner shall compute the amount to be 29680

credited, under division (D) of section 5751.03 of the Revised Code, to each taxpayer that paid in full the tax imposed under this chapter for the calendar year in which the transfer was made. The credit allowed to each such taxpayer shall equal the amount transferred to the commercial activity tax refund fund multiplied by a fraction, the numerator of which is the amount of tax paid by that taxpayer for that calendar year and the denominator of which is the total of the taxes paid by all such taxpayers for which the credit is allowed. The credit applies only to the calendar year that begins immediately after the year in which a transfer is made to the commercial activity tax refund fund under this division.™

(E) It is the intent of the General Assembly to conduct a review of the prescribed CAT collections and rate adjustments provided for under divisions (A) to (D) of this section every two years in conjunction with its biennial budget deliberations, and to establish lower prescribed CAT collections or reduce the rate of tax levied under this chapter on the basis of the following three factors:

- (1) The revenue yield of the tax;
- (2) The condition of the Ohio economy;
- (3) Savings realized by ongoing reform to medicaid and other policy initiatives.

Sec. 5751.04. (A) Not later than the later of November 15, 2005, or thirty days after a person first has more than one hundred fifty thousand dollars in taxable gross receipts in a calendar year, each person subject to this chapter shall register with the tax commissioner on the form prescribed by the commissioner. The form shall include the following:

- (1) The person's name;
- (2) If applicable, the name of the state or country under the

laws of which the person is incorporated; 29711

(3) If applicable, the location of a person's principal 29712
~~office, and, in the case of a foreign corporation, the location of~~ 29713
~~its principal place of business in this state~~ and the name and 29714
address of the officer or agent of the corporation in charge of 29715
the business ~~in this state~~; 29716

(4) If applicable, the names of the person's president, 29717
secretary, treasurer, and statutory agent designated pursuant to 29718
section 1703.041 of the Revised Code, with the post office address 29719
of each; 29720

(5) The kind of business in which the person is engaged, 29721
including applicable business or industry codes; 29722

(6) ~~The~~ If required by the tax commissioner, the date of the 29723
beginning of the person's annual accounting period that includes 29724
the first day of January of the taxable calendar year; 29725

(7) If the person is not a corporation or a sole proprietor, 29726
the names of ~~all~~ the person's owners and officers, if required by 29727
the tax commissioner; 29728

(8) The person's federal employer identification number or 29729
numbers or, if those are not applicable, the person's social 29730
security number or equivalent; 29731

(9) All other information that the commissioner requires to 29732
administer and enforce this chapter. 29733

(B) Except as otherwise provided in this division, each 29734
person registering with the tax commissioner as required by 29735
division (A) of this section shall pay a registration fee. The fee 29736
shall be in the amount of fifteen dollars if a person registers 29737
electronically and twenty dollars if a person does not register 29738
electronically. The registration fee shall be paid in the manner 29739
prescribed by the tax commissioner at the same time the 29740

registration is due if a person is subject to the tax imposed 29741
under this chapter before January 1, 2006. If a person first 29742
becomes subject to the tax after that date, the registration fee 29743
is payable with the first tax period return the person is required 29744
to file as prescribed by section 5751.051 of the Revised Code. If 29745
a registration fee is not paid when due, an additional fee is 29746
imposed in the amount of one hundred dollars per month or part 29747
thereof the fee is outstanding, not to exceed one thousand 29748
dollars. The tax commissioner may abate the additional fee. The 29749
fee imposed under this division may be assessed in the same manner 29750
as the tax imposed under this chapter. Proceeds from the fee shall 29751
be credited to the commercial activity tax administrative fund, 29752
which is hereby created in the state treasury for the commissioner 29753
to use in implementing and administering the tax imposed under 29754
this chapter. 29755

No registration fee is payable by a person for a calendar 29756
year if the person first begins business operations in this state 29757
after the thirtieth day of November of that calendar year or if 29758
the person's taxable gross receipts for the calendar year exceed 29759
one hundred fifty thousand dollars but do not exceed one hundred 29760
fifty thousand dollars as of the first day of December of the 29761
calendar year. 29762

Registration fees paid under this section, excluding any 29763
additional fee imposed for late payment of the registration fee, 29764
shall be credited against the first payment of tax payable under 29765
section 5751.03 of the Revised Code after the registration fee is 29766
paid. 29767

(C) If a person that has registered under this section is no 29768
longer a taxpayer subject to this chapter, including no longer 29769
being a taxpayer because of the application of division (E)(1) of 29770
section 5751.01 of the Revised Code, the person shall notify the 29771
commissioner that the person's registration should be cancelled. 29772

Sec. 5751.05. (A) If a person subject to this chapter 29773
anticipates that the person's taxable gross receipts will be ~~less~~ 29774
~~than~~ one million dollars or less in calendar year 2006, the person 29775
may elect to be a calendar year taxpayer. If a person is not 29776
required to be registered under this section for calendar year 29777
2006 and anticipates that the person's taxable gross receipts will 29778
be ~~less than~~ one million dollars or less in the first calendar 29779
year the person is required to register under this section, the 29780
person may elect to be a calendar year taxpayer. 29781

(B) Any person that is a calendar year taxpayer pursuant to 29782
an election under division (A) of this section shall become a 29783
calendar quarter taxpayer in the subsequent calendar year if the 29784
person's taxable gross receipts for the prior calendar year are 29785
more than one million dollars ~~or more~~, and shall remain a calendar 29786
quarter taxpayer until the person notifies the tax commissioner, 29787
and receives approval in writing from the tax commissioner, to 29788
switch back to being a calendar year taxpayer. Nothing in this 29789
division prohibits a person that has elected to be a calendar year 29790
taxpayer from notifying the tax commissioner, using the procedures 29791
prescribed by the commissioner, that it is switching back to being 29792
a calendar quarter taxpayer. 29793

(C) Any taxpayer that is not a calendar year taxpayer 29794
pursuant to this section is a calendar quarter taxpayer. The tax 29795
commissioner may grant written approval for a calendar quarter 29796
taxpayer to use an alternative reporting schedule or estimate the 29797
amount of tax due for a calendar quarter if the taxpayer 29798
demonstrates to the commissioner the need for such a deviation. 29799
The commissioner may adopt a rule to apply division (C) of this 29800
section to a group of taxpayers without the taxpayers having to 29801
receive written approval from the commissioner. 29802

Sec. 5751.051. (A)(1) Not later than forty days after the end 29803
of each calendar quarter, every taxpayer other than a calendar 29804
year taxpayer shall file with the tax commissioner a tax return in 29805
such form as the commissioner prescribes. The return shall 29806
include, but is not limited to, the amount of the taxpayer's 29807
taxable gross receipts for the calendar quarter and shall indicate 29808
the amount of tax due under section 5751.03 of the Revised Code 29809
for the calendar quarter. 29810

(2)(a) Subject to division (C) of section 5751.05 of the 29811
Revised Code, a calendar quarter taxpayer shall report the taxable 29812
gross receipts for that calendar quarter. 29813

(b) With respect to taxable gross receipts incorrectly 29814
reported in a calendar quarter that has a lower tax rate, the tax 29815
shall be computed at the tax rate in effect for the quarterly 29816
return in which such receipts should have been reported. Nothing 29817
in division (A)(2)(b) of this section prohibits a taxpayer from 29818
filing an application for refund under section 5751.08 of the 29819
Revised Code with regard to the incorrect reporting of taxable 29820
gross receipts discovered after filing the annual return described 29821
in division (A)(3) of this section. 29822

A tax return shall not be deemed to be an incorrect reporting 29823
of taxable gross receipts for the purposes of division (A)(2)(b) 29824
of this section if the return reflects between ninety-five and one 29825
hundred five per cent of the actual taxable gross receipts for the 29826
calendar quarter. 29827

(3) The tax return filed for the fourth calendar quarter of a 29828
calendar year is the annual return for the privilege tax imposed 29829
by this chapter. Such return shall report any additional taxable 29830
gross receipts not previously reported in the calendar year and 29831
shall adjust for any over-reported taxable gross receipts in the 29832
calendar year. If the taxpayer ceases to be a taxpayer before the 29833

end of the calendar year, the last return the taxpayer is required 29834
to file shall be the annual return for the taxpayer and the 29835
taxpayer shall report any additional taxable gross receipts not 29836
previously reported in the calendar year and shall adjust for any 29837
over-reported taxable gross receipts in the calendar year. 29838

(4) Because the tax imposed by this chapter is a privilege 29839
tax, the tax rate with respect to taxable gross receipts for a 29840
calendar quarter is not fixed until the end of the measurement 29841
period for each calendar quarter. Subject to division (A)(2)(b) of 29842
this section, the total amount of taxable gross receipts reported 29843
for a given calendar quarter shall be subject to the tax rate in 29844
effect in that quarter. 29845

(5) Not later than forty days after the end of each calendar 29846
year, every calendar year taxpayer shall file with the tax 29847
commissioner a tax return in such form as the commissioner 29848
prescribes. The return shall include, but is not limited to, the 29849
amount of the taxpayer's taxable gross receipts for the calendar 29850
year and shall indicate the amount of tax due under section 29851
5751.03 of the Revised Code for the calendar year. 29852

(B)(1) A person that first becomes subject to the tax imposed 29853
under this chapter ~~during a calendar quarter on or after January~~ 29854
~~1, 2006,~~ shall pay the minimum tax imposed under division (B) of 29855
section 5751.03 of the Revised Code along with the registration 29856
fee imposed under this section, if applicable, on or before the 29857
day the return is required to be filed for that quarter under 29858
division (A)(1) of this section, regardless of whether the person 29859
elects to be a calendar year taxpayer under section 5751.05 of the 29860
Revised Code. 29861

(2) The amount of the minimum tax for a person subject to 29862
division (B)(1) of this section shall be reduced to seventy-five 29863
dollars if the registration is timely filed after the first day of 29864

May and before the first day of ~~December~~ January of the following 29865
calendar year. 29866

Sec. 5751.10. If any person liable for the tax imposed under 29867
this chapter sells the trade or business, disposes in any manner 29868
other than in the regular course of business at least seventy-five 29869
per cent of assets of the trade or business, or quits the trade or 29870
business, any tax owed by such person shall become due and payable 29871
immediately, and the person shall pay the tax under this section, 29872
including any applicable penalties and interest, within ~~fifteen~~ 29873
forty-five days after the date of selling or quitting the trade or 29874
business. The person's successor shall withhold a sufficient 29875
amount of the purchase money to cover the amount due and unpaid 29876
until the former owner produces a receipt from the tax 29877
commissioner showing that the amounts are paid or a certificate 29878
indicating that no taxes are due. If a purchaser fails to withhold 29879
purchase money, that person is personally liable up to the 29880
purchase money amount, for such amounts that are unpaid during the 29881
operation of the business by the former owner. 29882

The tax commissioner may adopt rules regarding the issuance 29883
of certificates under this section, including the waiver of the 29884
need for a certificate if certain criteria are met. 29885

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 29886
the Revised Code: 29887

(1) "School district," "joint vocational school district," 29888
"local taxing unit," "state education aid," "recognized 29889
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 29890
meanings as used in section 5727.84 of the Revised Code. 29891

(2) "State education aid offset" means the amount determined 29892
for each school district or joint vocational school district under 29893
division (A)(1) of section 5751.21 of the Revised Code. 29894

- (3) "Machinery and equipment property tax value loss" means 29895
the amount determined under division (C)(1) of this section. 29896
- (4) "Inventory property tax value loss" means the amount 29897
determined under division (C)(2) of this section. 29898
- (5) "Furniture and fixtures property tax value loss" means 29899
the amount determined under division (C)(3) of this section. 29900
- (6) "Machinery and equipment fixed-rate levy loss" means the 29901
amount determined under division (D)(1) of this section. 29902
- (7) "Inventory fixed-rate levy loss" means the amount 29903
determined under division (D)(2) of this section. 29904
- (8) "Furniture and fixtures fixed-rate levy loss" means the 29905
amount determined under division (D)(3) of this section. 29906
- (9) "Total fixed-rate levy loss" means the sum of the 29907
machinery and equipment fixed-rate levy loss, the inventory 29908
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 29909
loss, and the telephone company fixed-rate levy loss. 29910
- (10) "Fixed-sum levy loss" means the amount determined under 29911
division (E) of this section. 29912
- (11) "Machinery and equipment" means personal property 29913
subject to the assessment rate specified in division (F) of 29914
section 5711.22 of the Revised Code. 29915
- (12) "Inventory" means personal property subject to the 29916
assessment rate specified in division (E) of section 5711.22 of 29917
the Revised Code. 29918
- (13) "Furniture and fixtures" means personal property subject 29919
to the assessment rate specified in division (G) of section 29920
5711.22 of the Revised Code. 29921
- (14) "Qualifying levies" are levies in effect for tax year 29922
2004 or applicable to tax year 2005 or approved at an election 29923

conducted before September 1, 2005, ~~and first levied in tax year~~ 29924
~~2006~~. For the purpose of determining the rate of a qualifying levy 29925
authorized by section 5705.212 or 5705.213 of the Revised Code, 29926
the rate shall be the rate that would be in effect for tax year 29927
2010. 29928

(15) "Telephone property" means tangible personal property of 29929
a telephone, telegraph, or interexchange telecommunications 29930
company subject to an assessment rate specified in section 29931
5727.111 of the Revised Code in tax year 2004. 29932

(16) "Telephone property tax value loss" means the amount 29933
determined under division (C)(4) of this section. 29934

(17) "Telephone property fixed-rate levy loss" means the 29935
amount determined under division (D)(4) of this section. 29936

(B) The commercial activities tax receipts fund is hereby 29937
created in the state treasury and shall consist of money arising 29938
from the tax imposed under this chapter. All money in that fund 29939
shall be credited for each fiscal year in the following 29940
percentages to the general revenue fund, to the school district 29941
tangible property tax replacement fund, which is hereby created in 29942
the state treasury for the purpose of making the payments 29943
described in section 5751.21 of the Revised Code, and to the local 29944
government tangible property tax replacement fund, which is hereby 29945
created in the state treasury for the purpose of making the 29946
payments described in section 5751.22 of the Revised Code, in the 29947
following percentages: 29948

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	29950
2007	0%	70.0%	30.0%	29951

2008	0%	70.0%	30.0%	29952
2009	0%	70.0%	30.0%	29953
2010	0%	70.0%	30.0%	29954
2011	0%	70.0%	30.0%	29955
2012	5.3%	70.0%	24.7%	29956
2013	19.4%	70.0%	10.6%	29957
2014	14.1%	70.0%	15.9%	29958
2015	17.6%	70.0%	12.4%	29959
2016	21.1%	70.0%	8.9%	29960
2017	24.6%	70.0%	5.4%	29961
2018	28.1%	70.0%	1.9%	29962
2019 and thereafter	100%	0%	0%	29963

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

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

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

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

(a) For tax year 2006, a fraction, the numerator of which is 29981
five and three-fourths and the denominator of which is 29982
twenty-three; 29983

(b) For tax year 2007, a fraction, the numerator of which is 29984
nine and one-half and the denominator of which is twenty-three; 29985

(c) For tax year 2008, a fraction, the numerator of which is 29986
thirteen and one-fourth and the denominator of which is 29987
twenty-three; 29988

(d) For tax year 2009 and thereafter a fraction, the 29989
numerator of which is seventeen and the denominator of which is 29990
twenty-three. 29991

(3) Furniture and fixtures property tax value loss is the 29992
taxable value of furniture and fixture property as reported by 29993
taxpayers for tax year 2004 multiplied by: 29994

(a) For tax year 2006, twenty-five per cent; 29995

(b) For tax year 2007, fifty per cent; 29996

(c) For tax year 2008, seventy-five per cent; 29997

(d) For tax year 2009 and thereafter, one hundred per cent. 29998

The taxable value of property reported by taxpayers used in 29999
divisions (C)(1), (2), and (3) of this section shall be such 30000
values as determined to be final by the tax commissioner as of 30001
August 31, 2005. Such determinations shall be final except for any 30002
correction of a clerical error that was made prior to August 31, 30003
2005, by the tax commissioner. 30004

(4) Telephone property tax value loss is the taxable value of 30005
telephone property as taxpayers would have reported that property 30006
for tax year 2004 if the assessment rate for all telephone 30007
property for that year were twenty-five per cent, multiplied by: 30008

(a) For tax year 2006, zero per cent; 30009

- (b) For tax year 2007, zero per cent; 30010
- (c) For tax year 2008, zero per cent; 30011
- (d) For tax year 2009, sixty per cent; 30012
- (e) For tax year 2010, eighty per cent; 30013
- (f) For tax year 2011 and thereafter, one hundred per cent. 30014

To facilitate the calculations required under division (C) of 30015
this section, the county auditor, upon request from the tax 30016
commissioner, shall provide by August 1, 2005, the values of 30017
machinery and equipment, inventory, and furniture and fixtures for 30018
all single-county personal property taxpayers for tax year 2004. 30019

(D) Not later than September 15, 2005, the tax commissioner 30020
shall determine for each tax year from 2006 through 2009 for each 30021
school district, joint vocational school district, and local 30022
taxing unit its machinery and equipment, inventory, and furniture 30023
and fixtures fixed-rate levy losses, and for each tax year from 30024
2006 through 2011 its telephone property fixed-rate levy loss, 30025
which are the applicable amounts described in divisions (D)(1), 30026
(2), (3), and (4) of this section: 30027

(1) The machinery and equipment fixed-rate levy loss is the 30028
machinery and equipment property tax value loss multiplied by the 30029
sum of the tax rates of fixed-rate qualifying levies. 30030

(2) The inventory fixed-rate loss is the inventory property 30031
tax value loss multiplied by the sum of the tax rates of 30032
fixed-rate qualifying levies. 30033

(3) The furniture and fixtures fixed-rate levy loss is the 30034
furniture and fixture property tax value loss multiplied by the 30035
sum of the tax rates of fixed-rate qualifying levies. 30036

(4) The telephone property fixed-rate levy loss is the 30037
telephone property tax value loss multiplied by the sum of the tax 30038
rates of fixed-rate qualifying levies. 30039

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

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

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this

section. 30072

(4) To facilitate the calculation under divisions (D) and (E) 30073
of this section, not later than September 1, 2005, any school 30074
district, joint vocational school district, or local taxing unit 30075
that has a qualifying levy that was approved at an election 30076
conducted during 2005 before September 1, 2005, shall certify to 30077
the tax commissioner a copy of the county auditor's certificate of 30078
estimated property tax millage for such levy as required under 30079
division (B) of section 5705.03 of the Revised Code, which is the 30080
rate that shall be used in the calculations under such divisions. 30081

If the amount determined under division (E) of this section 30082
for any school district, joint vocational school district, or 30083
local taxing unit is greater than zero, that amount shall equal 30084
the reimbursement to be paid pursuant to division (D) of section 30085
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 30086
and the one-half of one mill that is subtracted under division 30087
(E)(2) of this section shall be apportioned among all contributing 30088
fixed-sum levies in the proportion that each levy bears to the sum 30089
of all fixed-sum levies within each school district, joint 30090
vocational school district, or local taxing unit. 30091

(F) Not later than October 1, 2005, the tax commissioner 30092
shall certify to the department of education for every school 30093
district and joint vocational school district the machinery and 30094
equipment, inventory, furniture and fixtures, and telephone 30095
property tax value losses determined under division (C) of this 30096
section, the machinery and equipment, inventory, furniture and 30097
fixtures, and telephone fixed-rate levy losses determined under 30098
division (D) of this section, and the fixed-sum levy losses 30099
calculated under division (E) of this section. The calculations 30100
under divisions (D) and (E) of this section shall separately 30101
display the levy loss for each levy eligible for reimbursement. 30102

(G) Not later than October 1, 2005, the tax commissioner 30103
shall certify the amount of the fixed-sum levy losses to the 30104
county auditor of each county in which a school district, joint 30105
vocational school district, or local taxing unit with a fixed-sum 30106
levy loss reimbursement has territory. 30107

Sec. 5751.21. (A) Not later than the thirty-first day of July 30108
of 2007 through 2017, the department of education shall determine 30109
the following for each school district and each joint vocational 30110
school district eligible for payment under division (B) of this 30111
section: 30112

(1) The state education aid offset, which is the difference 30113
obtained by subtracting the amount described in division (A)(1)(b) 30114
of this section from the amount described in division (A)(1)(a) of 30115
this section: 30116

(a) The state education aid computed for the school district 30117
or joint vocational school district for the current fiscal year as 30118
of the thirty-first day of July; 30119

(b) The state education aid that would be computed for the 30120
school district or joint vocational school district for the 30121
current fiscal year as of the thirty-first day of July if the 30122
recognized valuation included the machinery and equipment, 30123
inventory, furniture and fixtures, and telephone property tax 30124
value losses for the school district or joint vocational school 30125
district for the second preceding tax year. 30126

(2) The greater of zero or the difference obtained by 30127
subtracting the state education aid offset determined under 30128
division (A)(1) of this section from the sum of the machinery and 30129
equipment fixed-rate levy loss, the inventory fixed-rate levy 30130
loss, furniture and fixtures fixed-rate levy loss, and telephone 30131
property fixed-rate levy loss certified under division (F) of 30132

section 5751.20 of the Revised Code for all taxing districts in 30133
each school district and joint vocational school district for the 30134
second preceding tax year. 30135

By the fifth day of August of each such year, the department 30136
of education shall certify the amount so determined under division 30137
(A)(1) of this section to the director of budget and management. 30138

(B) The department of education shall pay from the school 30139
district tangible property tax replacement fund to each school 30140
district and joint vocational school district all of the following 30141
for fixed-rate levy losses certified under division (F) of section 30142
5751.20 of the Revised Code: 30143

(1) On or before May 31, 2006, one-seventh of the total 30144
fixed-rate levy loss for tax year 2006; 30145

(2) On or before August 31, 2006, and October 31, 2006, 30146
one-half of six-sevenths of the total fixed-rate levy loss ~~for~~ for 30147
tax year 2006; 30148

(3) On or before May 31, 2007, one-seventh of the total 30149
fixed-rate levy loss for tax year 2007; 30150

(4) On or before August 31, 2007, and October 31, 2007, 30151
forty-three per cent of the amount determined under division 30152
(A)(2) of this section for fiscal year 2008, but not less than 30153
zero, plus one-half of six-sevenths of the difference between the 30154
total fixed-rate levy loss for tax year 2007 and the total 30155
fixed-rate levy loss for tax year 2006. 30156

(5) On or before May 31, 2008, fourteen per cent of the 30157
amount determined under division (A)(2) of this section for fiscal 30158
year 2008, but not less than zero, plus one-seventh of the 30159
difference between the total fixed-rate levy loss for tax year 30160
2008 and the total fixed-rate levy loss for tax year 2006. 30161

(6) On or before August 31, 2008, and October 31, 2008, 30162

forty-three per cent of the amount determined under division 30163
(A)(2) of this section for fiscal year 2009, but not less than 30164
zero, plus one-half of six-sevenths of the difference between the 30165
total fixed-rate levy loss in tax year 2008 and the total 30166
fixed-rate levy loss in tax year 2007. 30167

(7) On or before May 31, 2009, fourteen per cent of the 30168
amount determined under division (A)(2) of this section for fiscal 30169
year 2009, but not less than zero, plus one-seventh of the 30170
difference between the total fixed-rate levy loss for tax year 30171
2009 and the total fixed-rate levy loss for tax year 2007. 30172

(8) On or before August 31, 2009, and October 31, 2009, 30173
~~forth-three~~ forty-three per cent of the amount determined under 30174
division (A)(2) of this section for fiscal year 2010, but not less 30175
than zero, plus one-half of six-sevenths of the difference between 30176
the total fixed-rate levy loss in tax year 2009 and the total 30177
fixed-rate levy loss in tax year 2008. 30178

(9) On or before May 31, 2010, fourteen per cent of the 30179
amount determined under division (A)(2) of this section for fiscal 30180
year 2010, but not less than zero, plus one-seventh of the 30181
difference between the total fixed-rate levy loss in tax year 2010 30182
and the total fixed-rate levy loss in tax year 2008. 30183

(10) On or before August 31, 2010, and October 31, 2010, 30184
one-third of the amount determined under division (A)(2) of this 30185
section for fiscal year 2011, but not less than zero, plus 30186
one-half of six-sevenths of the difference between the telephone 30187
property fixed-rate levy loss for tax year 2010 and the telephone 30188
property fixed-rate levy loss for tax year 2009. 30189

(11) On or before May 31, 2011, fourteen per cent of the 30190
amount determined under division (A)(2) of this section for fiscal 30191
year 2011, but not less than zero, plus one-seventh of the 30192
difference between the telephone property fixed-rate levy loss for 30193

tax year 2011 and the telephone property fixed-rate levy loss for 30194
tax year 2009. 30195

(12) On or before August 31, 2011, October 31, 2011, and May 30196
31, 2012, the amount determined under division (A)(2) of this 30197
section multiplied by a fraction, the numerator of which is 30198
fourteen and the denominator of which is seventeen, but not less 30199
than zero, multiplied by one-third, plus one-half of six-sevenths 30200
of the difference between the telephone property fixed-rate levy 30201
loss for tax year 2011 and the telephone property fixed-rate levy 30202
loss for tax year 2010. 30203

(13) On or before May 31, 2012, fourteen per cent of the 30204
amount determined under division (A)(2) of this section for fiscal 30205
year 2012, multiplied by a fraction, the numerator of which is 30206
fourteen and the denominator of which is seventeen, plus 30207
one-seventh of the difference between the telephone property 30208
fixed-rate levy loss for tax year 2011 and the telephone property 30209
fixed-rate levy loss for tax year 2010. 30210

(14) On or before August 31, 2012, October 31, 2012, and May 30211
31, 2013, the amount determined under division (A)(2) of this 30212
section multiplied by a fraction, the numerator of which is eleven 30213
and the denominator of which is seventeen, but not less than zero, 30214
multiplied by one-third. 30215

(15) On or before August 31, 2013, October 31, 2013, and May 30216
31, 2014, the amount determined under division (A)(2) of this 30217
section multiplied by a fraction, the numerator of which is nine 30218
and the denominator of which is seventeen, but not less than zero, 30219
multiplied by one-third. 30220

(16) On or before August 31, 2014, October 31, 2014, and May 30221
31, 2015, the amount determined under division (A)(2) of this 30222
section multiplied by a fraction, the numerator of which is seven 30223
and the denominator of which is seventeen, but not less than zero, 30224

multiplied by one-third. 30225

(17) On or before August 31, 2015, October 31, 2015, and May 30226
31, 2016, the amount determined under division (A)(2) of this 30227
section multiplied by a fraction, the numerator of which is five 30228
and the denominator of which is seventeen, but not less than zero, 30229
multiplied by one-third. 30230

(18) On or before August 31, 2016, October 31, 2016, and May 30231
31, 2017, the amount determined under division (A)(2) of this 30232
section multiplied by a fraction, the numerator of which is three 30233
and the denominator of which is seventeen, but not less than zero, 30234
multiplied by one-third. 30235

(19) On or before August 31, 2017, October 31, 2017, and May 30236
31, 2018, the amount determined under division (A)(2) of this 30237
section multiplied by a fraction, the numerator of which is one 30238
and the denominator of which is seventeen, but not less than zero, 30239
multiplied by one-third. 30240

(20) After May 31, 2018, no payments shall be made under this 30241
section. 30242

The department of education shall report to each school 30243
district and joint vocational school district the apportionment of 30244
the payments among the school district's or joint vocational 30245
school district's funds based on the certifications under division 30246
(F) of section 5751.20 of the Revised Code. 30247

Any qualifying levy that is a fixed-rate levy that is not 30248
applicable to a tax year after 2010 does not qualify for any 30249
reimbursement after the tax year to which it is last applicable. 30250

(C) For taxes levied within the ten-mill limitation for debt 30251
purposes in tax year 2005, payments shall be made equal to one 30252
hundred per cent of the loss computed as if the tax were a 30253
fixed-rate levy, but those payments shall extend from fiscal year 30254

2006 through fiscal year 2018, as long as the qualifying levy
continues to be used for debt purposes. If the purpose of such a
qualifying levy is changed, that levy becomes subject to the
payments determined in division (B) of this section.

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

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

(E) Beginning in September 2007 and through June 2018, the
director of budget and management shall transfer from the school
district tangible property tax replacement fund to the general
revenue fund each of the following:

(1) On the first day of September, the lesser of one-fourth
of the amount certified for that fiscal year under division (A)(1)

of this section or the balance in the school district tangible 30286
property tax replacement fund; 30287

(2) On the first day of December, the lesser of one-fourth of 30288
the amount certified for that fiscal year under division (A)(1) of 30289
this section or the balance in the school district tangible 30290
property tax replacement fund; 30291

(3) On the first day of March, the lesser of one-fourth of 30292
the amount certified for that fiscal year under division (A)(1) of 30293
this section or the balance in the school district tangible 30294
property tax replacement fund; 30295

(4) On the first day of June, the lesser of one-fourth of the 30296
amount certified for that fiscal year under division (A)(1) of 30297
this section or the balance in the school district tangible 30298
property tax replacement fund. 30299

(F) For each of the fiscal years 2006 through 2018, if the 30300
total amount in the school district tangible property tax 30301
replacement fund is insufficient to make all payments under 30302
divisions (B), (C), ~~or~~ and (D) of this section at the times the 30303
payments are to be made, the director of budget and management 30304
shall transfer from the general revenue fund to the school 30305
district tangible property tax replacement fund the difference 30306
between the total amount to be paid and the amount in the school 30307
district tangible property tax replacement fund. For each fiscal 30308
year after 2018, at the time payments under division (D) of this 30309
section are to be made, the director of budget and management 30310
shall transfer from the general revenue fund to the school 30311
district property tax replacement fund the amount necessary to 30312
make such payments. 30313

(G) On the fifteenth day of June of 2006 through 2011, the 30314
director of budget and management may transfer any balance in the 30315
school district tangible property tax replacement fund to the 30316

general revenue fund. At the end of fiscal years 2012 through 30317
2018, any balance in the school district tangible property tax 30318
replacement fund shall remain in the fund to be used in future 30319
fiscal years for school purposes. 30320

(H) If all of the territory of a school district or joint 30321
vocational school district is merged with another district, or if 30322
a part of the territory of a school district or joint vocational 30323
school district is transferred to an existing or newly created 30324
district, the department of education, in consultation with the 30325
tax commissioner, shall adjust the payments made under this 30326
section as follows: 30327

(1) For a merger of two or more districts, the machinery and 30328
equipment, inventory, furniture and fixtures, and telephone 30329
property fixed-rate levy losses and the fixed-sum levy losses of 30330
the successor district shall be equal to the sum of the machinery 30331
and equipment, inventory, furniture and fixtures, and telephone 30332
property fixed-rate levy losses and debt levy losses as determined 30333
in section 5751.20 of the Revised Code, for each of the districts 30334
involved in the merger. 30335

(2) If property is transferred from one district to a 30336
previously existing district, the amount of machinery and 30337
equipment, inventory, furniture and fixtures, and telephone 30338
property fixed-rate levy losses that shall be transferred to the 30339
recipient district shall be an amount equal to the total machinery 30340
and equipment, inventory, furniture and fixtures, and telephone 30341
property fixed-rate levy losses times a fraction, the numerator of 30342
which is the value of business tangible personal property on the 30343
land being transferred in the most recent year for which data are 30344
available, and the denominator of which is the total value of 30345
business tangible personal property in the district from which the 30346
land is being transferred in the most recent year for which data 30347
are available. 30348

(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses.

(4) If the recipient district under division (H)(2) of this section or the newly created district under divisions (H)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

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

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

(a) For tax years 2006 through 2010, one hundred per cent;

(b) For tax year 2011, a fraction, the numerator of which is fourteen and the denominator of which is seventeen;	30380 30381
(c) For tax year 2012, a fraction, the numerator of which is eleven and the denominator of which is seventeen;	30382 30383
(d) For tax year 2013, a fraction, the numerator of which is nine and the denominator of which is seventeen;	30384 30385
(e) For tax year 2014, a fraction, the numerator of which is seven and the denominator of which is seventeen;	30386 30387
(f) For tax year 2015, a fraction, the numerator of which is five and the denominator of which is seventeen;	30388 30389
(g) For tax year 2016, a fraction, the numerator of which is three and the denominator of which is seventeen;	30390 30391
(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;	30392 30393
(i) For tax years 2018 and thereafter, no fixed-rate payments shall be made.	30394 30395
Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable.	30396 30397 30398
(2) Except as provided in division (A)(4) of this section, for telephone property fixed-rate levy losses determined under division (D)(4) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:	30399 30400 30401 30402 30403
(a) For tax years 2009 through 2011, one hundred per cent;	30404
(b) For tax year 2012, seven-eighths;	30405
(c) For tax year 2013, six-eighths;	30406
(d) For tax year 2014, five-eighths;	30407

(e) For tax year 2015, four-eighths;	30408
(f) For tax year 2016, three-eighths;	30409
(g) For tax year 2017, two-eighths;	30410
(h) For tax year 2018, one-eighth;	30411
(i) For tax years 2019 and thereafter, no fixed-rate payments shall be made.	30412 30413
Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable.	30414 30415 30416
(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter.	30417 30418 30419 30420
(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017.	30421 30422 30423 30424 30425 30426 30427 30428 30429 30430
(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all	30431 30432 30433 30434 30435 30436 30437

subsequent years shall be made. 30438

(C) Payments to local taxing units required to be made under 30439
division (A) of this section shall be paid from the local 30440
government tangible property tax replacement fund to the county 30441
undivided income tax fund in the proper county treasury. Beginning 30442
in May 2006, ~~one-third~~ one-seventh of the amount certified under 30443
that division shall be paid by the last day of May⁷ each year, and 30444
three-sevenths shall be paid by the last day of August⁷ and 30445
October each year. Within forty-five days after receipt of such 30446
payments, the county treasurer shall distribute amounts determined 30447
under division (A) of this section to the proper local taxing unit 30448
as if they had been levied and collected as taxes, and the local 30449
taxing unit shall apportion the amounts so received among its 30450
funds in the same proportions as if those amounts had been levied 30451
and collected as taxes. 30452

(D) For each of the fiscal years 2006 through 2019, if the 30453
total amount in the local government tangible property tax 30454
replacement fund is insufficient to make all payments under 30455
division (C) of this section at the times the payments are to be 30456
made, the director of budget and management shall transfer from 30457
the general revenue fund to the local government tangible property 30458
tax replacement fund the difference between the total amount to be 30459
paid and the amount in the local government tangible property tax 30460
replacement fund. For each fiscal year after 2019, at the time 30461
payments under division (A)(2) of this section are to be made, the 30462
director of budget and management shall transfer from the general 30463
revenue fund to the local government property tax replacement fund 30464
the amount necessary to make such payments. 30465

(E) On the fifteenth day of June of each year from 2006 30466
through 2018, the director of budget and management may transfer 30467
any balance in the local government tangible property tax 30468
replacement fund to the general revenue fund. 30469

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

Sec. 5751.53. (A) As used in this section: 30480

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code. 30481
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(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code. 30483
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(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109. 30485
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(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount. 30489
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(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to 30492
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section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006.

(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A)(6)(a) or (b) of this section, but the amounts described in divisions (A)(6)(a) and (b) of this section shall each be reduced by the qualifying amount.

(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward;

(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax asset reflected on its books and records on the last day of its taxable year ending in 2004, adjusted for return to accrual, but this amount shall be reduced by the qualifying related valuation allowance amount. For the purposes of this section, the "qualifying related valuation allowance amount" is the amount of Ohio net operating loss reflected in the qualifying taxpayer's computation of the valuation allowance account, as shown on its books and records on the last day of its taxable year ending in 2004, with respect to the deferred tax asset relating to its Ohio net operating loss carryforward amount.

(7) "Other net deferred tax items apportioned to this state" is the product of (a) the amount of other net deferred tax items and (b) the fraction described in division (B)(2) of section 5733.05 for the qualifying taxpayer's franchise tax year 2005.

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, the "amount of other net deferred tax items" is the difference between (i) the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on the qualifying taxpayer's books and records on the last day of its

taxable year ending in 2004, and (ii) the qualifying taxpayer's 30531
taxable temporary differences as shown on those books and records 30532
on that date. The amount of other net deferred tax items may be 30533
less than zero. 30534

(b) For the purposes of computing the amount of the 30535
qualifying taxpayer's other net deferred tax items described in 30536
division (A)(8)(a) of this section, any credit carryforward 30537
allowed under Chapter 5733. of the Revised Code shall be excluded 30538
from the amount of deductible temporary differences to the extent 30539
such credit carryforward amount, net of any related valuation 30540
allowance amount, is otherwise included in the qualifying 30541
taxpayer's deductible temporary differences, net of related 30542
valuation allowance amounts, shown on the qualifying taxpayer's 30543
books and records on the last day of the qualifying taxpayer's 30544
taxable year ending in 2004. 30545

(c) No portion of the disallowed Ohio net operating loss 30546
carryforward shall be included in the computation of the amount of 30547
the qualifying taxpayer's other net deferred tax items described 30548
in division (A)(8)(a) of this section. 30549

(d) In no event shall the amount of other net deferred tax 30550
items apportioned to this state exceed twenty-five per cent of the 30551
qualifying Ohio net operating loss carryforward. 30552

(9) "Amortizable amount" means: 30553

(a) If the qualifying taxpayer's other net deferred tax items 30554
apportioned to this state is equal to or greater than zero, eight 30555
per cent of the sum of the qualifying taxpayer's disallowed Ohio 30556
net operating loss carryforward and the qualifying taxpayer's 30557
other net deferred tax items apportioned to this state; 30558

(b) If the amount of the qualifying taxpayer's other net 30559
deferred tax items apportioned to this state is less than zero and 30560
if the absolute value of the amount of qualifying taxpayer's other 30561

net deferred tax items apportioned to this state is less than the 30562
qualifying taxpayer's disallowed net operating loss, eight per 30563
cent of the difference between the qualifying taxpayer's 30564
disallowed net operating loss carryforward and the absolute value 30565
of the qualifying taxpayer's other net deferred tax items 30566
apportioned to this state; 30567

(c) If the amount of the qualifying taxpayer's other net 30568
deferred tax items apportioned to this state is less than zero and 30569
if the absolute value of the amount of qualifying taxpayer's other 30570
net deferred tax items apportioned to this state is equal to or 30571
greater than the qualifying taxpayer's disallowed net operating 30572
loss, zero. 30573

(10) "Books and records" means the qualifying taxpayer's 30574
books, records, and all other information, all of which the 30575
qualifying taxpayer maintains and uses to prepare and issue its 30576
financial statements in accordance with generally accepted 30577
accounting principles. 30578

(11)(a) Except as modified by division (A)(11)(b) of this 30579
section, "qualifying amount" means fifty million dollars per 30580
person. 30581

(b) If for franchise tax year 2005 the person was a member of 30582
a combined franchise tax report, as provided by section 5733.052 30583
of the Revised Code, the "qualifying amount" is, in the aggregate, 30584
fifty million dollars for all members of that combined franchise 30585
tax report, and for purposes of divisions (A)(6)(a) and (b) of 30586
this section, those members shall allocate to each member any 30587
portion of the fifty million dollar amount. The total amount 30588
allocated to the members who are qualifying taxpayers shall equal 30589
fifty million dollars. 30590

(B) For each calendar period beginning prior to January 1, 30591
2030, there is hereby allowed a nonrefundable tax credit against 30592

the tax levied each year by this chapter on each qualifying taxpayer, on each consolidated elected taxpayer having one or more qualifying taxpayers as a member, and on each combined taxpayer having one or more qualifying taxpayers as a member. The credit shall be claimed in the order specified in section 5751.98 of the Revised Code and is allowed only to reduce the first one-half of any tax remaining after allowance of the credits that precede it in section 5751.98 of the Revised Code. No credit under division (B) of this section shall be allowed against the second one-half of such remaining tax.

Except as otherwise limited by divisions (C) and (D) of this section, the maximum amount of the nonrefundable credit that may be used against the first one-half of the remaining tax for each calendar year is as follows:

(1) For calendar year 2010, ten per cent of the amortizable amount;

(2) For calendar year 2011, twenty per cent of the amortizable amount, less all amounts previously used;

(3) For calendar year 2012, thirty per cent of the amortizable amount, less all amounts previously used;

(4) For calendar year 2013, forty per cent of the amortizable amount, less all amounts previously used;

(5) For calendar year 2014, fifty per cent of the amortizable amount, less all amounts previously used;

(6) For calendar year 2015, sixty per cent of the amortizable amount, less all amounts previously used;

(7) For calendar year 2016, seventy per cent of the amortizable amount, less all amounts previously used;

(8) For calendar year 2017, eighty per cent of the amortizable amount, less all amounts previously used;

(9) For calendar year 2018, ninety per cent of the 30623
amortizable amount, less all amounts previously used; 30624

(10) For each of calendar years 2019 through 2029, one 30625
hundred per cent of the amortizable amount, less all amounts used 30626
in all previous years. 30627

In no event shall the cumulative credit used for calendar 30628
years 2010 through 2029 exceed one hundred per cent of the 30629
amortizable amount. 30630

(C)(1) Except as otherwise set forth in division (C)(2) of 30631
this section, a refundable credit is allowed in calendar year 2030 30632
for any portion of the qualifying taxpayer's amortizable amount 30633
that is not used in accordance with division (B) of this section 30634
against the tax levied by this chapter on all taxpayers. 30635

(2) Division (C)(1) of this section shall not apply and no 30636
refundable credit shall be available to any person if during any 30637
portion of the calendar year 2030 the person is not subject to the 30638
tax imposed by this chapter. 30639

(D) Not later than June 30, 2006, each qualifying taxpayer, 30640
consolidated elected taxpayer, or combined taxpayer that will 30641
claim for any year the credit allowed in divisions (B) and (C) of 30642
this section shall file with the tax commissioner a report setting 30643
forth the amortizable amount available to such taxpayer and all 30644
other related information that the commissioner, by rule, 30645
requires. If the taxpayer does not timely file the report or fails 30646
to provide timely all information required by this division, the 30647
taxpayer is precluded from claiming any credit amounts described 30648
in divisions (B) and (C) of this section. Unless extended by 30649
mutual consent, the tax commissioner may, until June 30, 2010, 30650
audit the accuracy of the amortizable amount available to each 30651
taxpayer that will claim the credit, and adjust the amortizable 30652
amount or, if appropriate, issue any assessment or final 30653

determination, as applicable, necessary to correct any errors 30654
found upon audit. 30655

(E) For the purpose of calculating the amortizable amount, if 30656
the tax commissioner ascertains that any portion of that amount is 30657
the result of a sham transaction as described in section 5703.56 30658
of the Revised Code, the commissioner shall reduce the amortizable 30659
amount by two times the adjustment. 30660

(F) If one entity transfers all or a portion of its assets 30661
and equity to another entity as part of an entity organization or 30662
reorganization or subsequent entity organization or reorganization 30663
for which no gain or loss is recognized in whole or in part for 30664
federal income tax purposes under the Internal Revenue Code, the 30665
credits allowed by this section shall be computed in a manner 30666
consistent with that used to compute the portion, if any, of 30667
federal net operating losses allowed to the respective entities 30668
under the Internal Revenue Code. The tax commissioner may 30669
prescribe forms or rules for making the computations required by 30670
this division. 30671

(G)(1) Except as provided in division (F) of this section, no 30672
person shall pledge, collateralize, hypothecate, assign, convey, 30673
sell, exchange, or otherwise dispose of any or all tax credits, or 30674
any portion of any or all tax credits allowed under this section. 30675

(2) No credit allowed under this section is subject to 30676
execution, attachment, lien, levy, or other judicial proceeding. 30677

(H)(1)(a) Except as set forth in division (H)(1)(b) of this 30678
section and notwithstanding division (I)(1) of section 5733.04 of 30679
the Revised Code to the contrary, each person timely and fully 30680
complying with the reporting requirements set forth in division 30681
(D) of this section shall not claim, and shall not be entitled to 30682
claim, any deduction or adjustment for any Ohio net operating loss 30683
carried forward to any one or more franchise tax years after 30684

franchise tax year 2005. 30685

(b) Division (H)(1)(a) of this section applies only to the 30686
portion of the Ohio net operating loss represented by the 30687
disallowed Ohio net operating loss carryforward. 30688

(2) Notwithstanding division (I) of section 5733.04 of the 30689
Revised Code to the contrary, with respect to all franchise tax 30690
years after franchise tax year 2005, each person timely and fully 30691
complying with the reporting requirements set forth in division 30692
(D) of this section shall not claim, and shall not be entitled to 30693
claim, any deduction, exclusion, or adjustment with respect to 30694
deductible temporary differences reflected on the person's books 30695
and records on the last day of its taxable year ending in 2004. 30696

(3)(a) Except as set forth in division (H)(3)(b) of this 30697
section and notwithstanding division (I) of section 5733.04 of the 30698
Revised Code to the contrary, with respect to all franchise tax 30699
years after franchise tax year 2005, each person timely and fully 30700
complying with the reporting requirements set forth in division 30701
(D) of this section shall exclude from Ohio net income all taxable 30702
temporary differences reflected on the person's books and records 30703
on the last day of its taxable year ending in 2004. 30704

(b) In no event shall the exclusion provided by division 30705
(H)(3)(a) of this section for any franchise tax year exceed the 30706
amount of the taxable temporary differences otherwise included in 30707
Ohio net income for that year. 30708

(4) Divisions (H)(2) and (3) of this section shall apply only 30709
to the extent such items were used in the calculations of the 30710
credit provided by this section. 30711

Sec. 5919.19. (A) There is hereby created the commemorative 30712
Ohio national guard service medal. The adjutant general shall 30713
design the medal and administer the program for its distribution. 30714

Former members of the Ohio national guard who have been honorably or medically discharged or released from service in the Ohio national guard are eligible, upon application, to receive the medal. 30715
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Eligible persons who apply to receive the medal shall submit to the adjutant general a copy of their DD-214 form or NGB-22 form and a fee in an amount to be determined by the adjutant general. 30719
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The adjutant general shall set the fee at an amount necessary to cover the cost of producing the medal. 30722
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(B) There is hereby created in the state treasury the national guard service medal fund. Fees collected from applicants for the medal as well as any appropriations made by the general assembly for purposes of the medal program shall be paid into the state treasury to the credit of the fund. The fund shall be used to pay for the production of the medal. 30724
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Section 101.02. That existing sections 9.41, 9.901, 101.543, 30730
107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 30731
117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.04, 121.11, 30732
121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 30733
124.11, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 30734
124.18, 124.181, 124.182, 124.321, 124.327, 124.382, 124.384, 30735
124.387, 124.389, 124.391, 124.82, 124.821, 124.822, 124.823, 30736
124.84, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 30737
133.01, 133.04, 133.06, 133.18, 141.08, 141.10, 145.70, 173.14, 30738
173.39, 173.391, 173.41, 184.20, 307.76, 319.301, 340.021, 742.57, 30739
901.23, 955.011, 955.16, 955.43, 1317.07, 1333.11, 1523.02, 30740
1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2305.2341, 2503.20, 30741
2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 30742
3307.32, 3309.68, 3310.03, 3310.06, 3313.29, 3313.61, 3313.64, 30743
3313.6410, 3313.813, 3314.02, 3314.08, 3314.26, 3314.35, 3314.36, 30744
3315.01, 3317.01, 3317.015, 3317.02, 3317.021, 3317.022, 3317.024, 30745

3317.029, 3317.0216, 3317.03, 3317.051, 3317.053, 3317.06, 30746
3317.07, 3317.082, 3317.11, 3317.19, 3318.37, 3319.17, 3323.13, 30747
3345.05, 3353.02, 3354.10, 3355.07, 3357.10, 3358.06, 3365.02, 30748
3375.121, 3381.07, 3381.15, 3381.17, 3517.152, 3701.041, 3705.242, 30749
3734.57, 3735.67, 3745.114, 3773.33, 3773.43, 3773.51, 3773.52, 30750
3773.56, 3905.43, 4109.01, 4109.02, 4109.06, 4109.07, 4117.01, 30751
4303.29, 4501.31, 4506.11, 4507.13, 4507.52, 4513.263, 4709.05, 30752
4709.06, 4713.05, 4713.06, 4713.141, 4717.03, 4725.05, 4725.06, 30753
4725.34, 4725.45, 4725.46, 4732.06, 4732.14, 4734.05, 4734.54, 30754
4736.03, 4736.06, 4741.03, 4741.171, 4741.25, 4743.05, 4752.08, 30755
4752.09, 4752.18, 4753.04, 4753.11, 4755.03, 4755.04, 4755.13, 30756
4757.05, 4757.31, 4758.15, 4758.21, 4759.04, 4759.08, 4761.02, 30757
4761.03, 4761.07, 4766.02, 4766.05, 4771.22, 4775.04, 4775.05, 30758
4775.06, 4775.08, 4779.06, 4779.08, 4779.17, 4779.18, 4781.03, 30759
4781.04, 4781.05, 4781.13, 5111.061, 5111.081, 5111.082, 5111.083, 30760
5111.084, 5111.085, 5111.20, 5111.231, 5111.27, 5111.31, 5111.88, 30761
5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 30762
5112.31, 5115.04, 5123.196, 5139.50, 5505.27, 5531.10, 5577.99, 30763
5703.21, 5703.57, 5705.03, 5705.195, 5705.34, 5709.081, 5709.40, 30764
5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 30765
5709.80, 5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 30766
5733.352, 5733.56, 5733.98, 5735.27, 5739.011, 5739.026, 5739.211, 30767
5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 30768
5743.12, 5743.13, 5743.15, 5743.33, 5743.34, 5743.35, 5745.01, 30769
5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 30770
5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 30771
5751.10, 5751.20, 5751.21, 5751.22, and 5751.53 of the Revised 30772
Code are hereby repealed. 30773

Section 105.01. That sections 3325.12, 3325.17, 3365.11, and 30774
4732.04 of the Revised Code are hereby repealed. 30775

Section 203.10. All items set forth in Sections 203.20 and 203.30 of this act are hereby appropriated out of any moneys in the General Revenue Fund (GRF) that are not otherwise appropriated:

Reappropriations

Section 203.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES
CAP-786 Rural Areas Community Improvements \$ 45,000
CAP-817 Urban Areas Community Improvements \$ 918,900
Total Department of Administrative Services \$ 963,900

RURAL AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects: \$20,000 for the Red Mill Creek Water Retention Basin and \$25,000 for the Lawrence County Water Projects.

URBAN AREAS COMMUNITY IMPROVEMENTS

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects: \$50,000 for the Brown Senior Center Renovations; \$100,000 for Project AHEAD Facility Improvements; \$75,000 for the J. Frank-Troy Senior Citizens Center; \$50,000 for the Beech Acres Family Center; \$23,900 for the Canton Jewish Women's Center; \$450,000 for the Gateway Social Services Building; \$50,000 for the Loew Field Improvements; \$20,000 for the Harvard Community Services Center Renovation & Expansion; \$20,000 for the Collinwood Community Service Center Repair & Renovation; and \$80,000 for Bowman Park - City of Toledo.

Reappropriations

Section 203.30. DNR DEPARTMENT OF NATURAL RESOURCES
CAP-823 Cost Sharing-Pollution Abatement \$ 22,538

CAP-942	Local Parks Projects	\$	80,225	30803
CAP-999	Geographic Information Management System	\$	1,085	30804
Total Department of Natural Resources		\$	103,847	30805
TOTAL GRF General Revenue Fund		\$	1,067,747	30806

LOCAL PARKS PROJECTS 30807

From the foregoing appropriation item CAP-942, Local Parks 30808
 Projects, \$75,000 shall be granted for the Liberty Township 30809
 Playground. 30810

Section 203.40. No expenditures shall be made from any of the 30811
 items appropriated from the General Revenue Fund in Sections 30812
 203.20 and 203.30 of this act until the funds are released by the 30813
 Controlling Board. 30814

Section 205.10. All items set forth in this section are 30815
 hereby appropriated out of any moneys in the state treasury to the 30816
 credit of the Wildlife Fund (Fund 015) that are not otherwise 30817
 appropriated: 30818

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES				30819
CAP-117	Cooper Hollow Wildlife Area	\$	4,815	30820
CAP-161	Tranquility Wildlife Area	\$	1,286	30821
CAP-216	Killbuck Creek Wildlife Area	\$	550	30822
CAP-387	Access Development	\$	2,459,274	30823
CAP-702	Upgrade Underground Fuel Tanks	\$	134,945	30824
CAP-703	Cap Abandoned Water Wells	\$	57,125	30825
CAP-754	Tiffin River Wildlife Area	\$	1,000	30826
CAP-834	Appraisal Fees - Statewide	\$	52,445	30827
CAP-852	Wildlife Area Building	\$	3,376,004	30828
	Development/Renovation			
CAP-881	Dam Rehabilitation	\$	500,000	30829
CAP-995	Boundary Protection	\$	100,000	30830

Total Department of Natural Resources	\$	6,687,444	30831
TOTAL Wildlife Fund	\$	6,687,444	30832

Section 207.10. The items set forth in this section are 30834
 hereby appropriated out of any moneys in the state treasury to the 30835
 credit of the Public School Building Fund (Fund 021) that are not 30836
 otherwise appropriated: 30837

Reappropriations

SFC SCHOOL FACILITIES COMMISSION			30838
CAP-622 Public School Buildings	\$	30,219,647	30839
CAP-778 Exceptional Needs	\$	1,440,286	30840
CAP-783 Emergency School Building Assistance	\$	15,000,000	30841
Total School Facilities Commission	\$	46,659,933	30842
TOTAL Public School Building Fund	\$	46,659,933	30843

Section 209.10. The items set forth in this section are 30845
 hereby appropriated out of any moneys in the state treasury to the 30846
 credit of the Highway Safety Fund (Fund 036) that are not 30847
 otherwise appropriated: 30848

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY			30849
CAP-045 Platform Scales Improvements	\$	400,000	30850
CAP-072 Patrol Academy Infrastructure	\$	750,000	30851
Improvements			
CAP-077 Van Wert Patrol Post	\$	31,567	30852
CAP-079 Ironton Patrol Post	\$	1,900,000	30853
Total Department of Public Safety	\$	3,081,567	30854
TOTAL Highway Safety Fund	\$	3,081,567	30855

Section 211.10. All items set forth in this section are 30857
 hereby appropriated out of any moneys in the state treasury to the 30858
 credit of the Waterways Safety Fund (Fund 086) that are not 30859
 otherwise appropriated: 30860

			Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				30861
CAP-082	Lake Loramie State Park	\$ 128,617		30862
CAP-205	Deer Creek State Park	\$ 360,000		30863
CAP-324	Cooperative Funding for Boating Facilities	\$ 10,934,559		30864
CAP-390	State Park Maintenance Facility Development	\$ 1,821,093		30865
CAP-934	Operations Facilities Development	\$ 1,141,508		30866
Total Department of Natural Resources			\$ 14,385,777	30867
TOTAL Waterways Safety Fund			\$ 14,385,777	30868

Section 213.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Underground Parking Garage Operating Fund (Fund 208) that are not otherwise appropriated:

			Reappropriations	
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				30874
CAP-004	Emergency Generator and Lighting System	\$ 200,000		30875
CAP-008	Install Garage Oil Interceptor System	\$ 60,000		30876
CAP-009	Garage Fire Suppression System	\$ 706,631		30877
Total Capitol Square Review and Advisory Board			\$ 966,631	30878
TOTAL Underground Parking Garage Operating Fund			\$ 966,631	30879

UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM 30880

Appropriation item CAP-009, Garage Fire Suppression System, in the Underground Parking Garage Operating Fund (Fund 208), shall be used for completion of the second and final phase of a fire suppression system in the Statehouse garage. Notwithstanding any section of the Revised Code, any transfer or disbursement of moneys from appropriation item CAP-009, Garage Fire Suppression System, for this purpose shall be subject to Controlling Board approval.

Section 215.10. The items set forth in this section are 30889
hereby appropriated out of any moneys in the state treasury to the 30890
credit of the Nursing Home - Federal Fund (Fund 319) that are not 30891
otherwise appropriated: 30892

Reappropriations

OVH OHIO VETERANS' HOME 30893

430-776	Mechanical Systems Upgrade	\$	1,560,000	30894
430-777	Secrest Kitchen Improvements	\$	260,000	30895
430-778	Corridor Renovations	\$	325,000	30896
430-781	Secrest/Veterans' Hall Roof Replacement	\$	552,500	30897
Total Ohio Veterans' Home		\$	2,697,500	30898
TOTAL Nursing Home - Federal Fund		\$	2,697,500	30899

Section 217.10. All items set forth in this section are 30901
hereby appropriated out of any moneys in the state treasury to the 30902
credit of the Army National Guard Service Contract Fund (Fund 342) 30903
that are not otherwise appropriated: 30904

Reappropriations

ADJ ADJUTANT GENERAL 30905

CAP-065	Local Armory Construction/Federal	\$	5,845,553	30906
Total Adjutant General		\$	5,845,553	30907
TOTAL Army National Guard Service Contract Fund		\$	5,845,553	30908

Section 219.10. All items set forth in this section are 30910
hereby appropriated out of any moneys in the state treasury to the 30911
credit of the Special Administrative Fund (Fund 4A9) that are not 30912
otherwise appropriated: 30913

Reappropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 30914

CAP-027	Various Renovations - Local Offices	\$	2,076,956	30915
CAP-702	Central Office Building Renovations	\$	16,000,000	30916
Total Department of Job and Family Services		\$	18,076,956	30917

TOTAL Special Administrative Fund	\$	18,076,956	30918
CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT			30919
PLAN			30920
Funds appropriated in the foregoing appropriation item			30921
CAP-702, Central Office Building Renovations, are to be released			30922
for expenditure only after approval of the Unemployment			30923
Compensation Advisory Council created under section 4141.08 of the			30924
Revised Code. The amount to be released shall be based on a			30925
spending plan, which may include a repayment schedule, approved by			30926
the Council. Once approval is received, the Director of Job and			30927
Family Services shall request the Director of Budget and			30928
Management or the Controlling Board to release the appropriation.			30929
Section 221.10. The items set forth in this section are			30930
hereby appropriated out of any moneys in the state treasury to the			30931
credit of the Community Match Armories Fund (Fund 5U8) that are			30932
not otherwise appropriated:			30933
		Reappropriations	
ADJ ADJUTANT GENERAL			30934
CAP-066 Armory Construction/Local	\$	4,273,922	30935
Total Adjutant General	\$	4,273,922	30936
TOTAL Community Match Armories Fund	\$	4,273,922	30937
Section 223.10. The items set forth in this section are			30939
hereby appropriated out of any moneys in the state treasury to the			30940
credit of the State Fire Marshal Fund (Fund 546) that are not			30941
otherwise appropriated:			30942
		Reappropriations	
COM DEPARTMENT OF COMMERCE			30943
CAP-015 Site Improvements	\$	646	30944
CAP-016 MARCS Radio Communication	\$	33,187	30945
Total Department of Commerce	\$	33,833	30946

TOTAL State Fire Marshal Fund \$ 33,833 30947

Section 225.10. The items set forth in this section are 30949
 hereby appropriated out of any moneys in the state treasury to the 30950
 credit of the Veterans' Home Improvement Fund (Fund 604) that are 30951
 not otherwise appropriated: 30952

Reappropriations

OVH OHIO VETERANS' HOME 30953

CAP-776	Mechanical Systems Upgrade	\$	811,800	30954
CAP-777	Secrest Kitchen Improvements	\$	95,318	30955
CAP-778	Corridor Renovations	\$	120,344	30956
CAP-779	Service Building	\$	33,410	30957
CAP-781	Secrest/Veterans' Hall Roof Replacement	\$	293,378	30958
CAP-782	HVAC Controls Upgrade	\$	135,000	30959
CAP-783	Resident Security Upgrade	\$	50,000	30960
CAP-784	Multipurpose/Employee Locker Room	\$	228,680	30961
Total Ohio Veterans' Home		\$	1,767,930	30962
TOTAL Veterans' Home Improvement Fund		\$	1,767,930	30963

Section 227.10. All items set forth in this section are 30965
 hereby appropriated out of any moneys in the state treasury to the 30966
 credit of the Education Facilities Trust Fund (Fund N87) that are 30967
 not otherwise appropriated: 30968

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 30969

CAP-780	Classroom Facilities Assistance Program	\$	107,244,971	30970
CAP-784	Exceptional Needs Program	\$	7,097,377	30971
Total School Facilities Commission		\$	114,342,348	30972
TOTAL Education Facilities Trust Fund		\$	114,342,348	30973

Section 229.10. All items set forth in this section are 30975
 hereby appropriated out of any moneys in the state treasury to the 30976
 credit of the Clean Ohio Revitalization Fund (Fund 003) that are 30977

not otherwise appropriated: 30978

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT 30979

CAP-001 Clean Ohio Revitalization \$ 40,702,351 30980

CAP-002 Clean Ohio Assistance \$ 13,208,076 30981

Total Department of Development \$ 53,910,427 30982

TOTAL Clean Ohio Revitalization Fund \$ 53,910,427 30983

Section 231.10. All items set forth in this section are 30985

hereby appropriated out of any moneys in the state treasury to the 30986

credit of the Job Ready Site Development Fund (Fund 012) that are 30987

not otherwise appropriated: 30988

DEV DEPARTMENT OF DEVELOPMENT 30989

Reappropriations

CAP-003 Job Ready Site Development \$ 30,000,000 30990

Total Department of Development \$ 30,000,000 30991

TOTAL Job Ready Site Development Fund \$ 30,000,000 30992

Section 233.10. All items set forth in this section are 30994

hereby appropriated out of any moneys in the state treasury to the 30995

credit of the Highway Safety Building Fund (Fund 025) that are not 30996

otherwise appropriated: 30997

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY 30998

CAP-047 Public Safety Office Building \$ 2,710,400 30999

CAP-068 Alum Creek Warehouse Renovations \$ 84,207 31000

CAP-069 Centre School Renovations \$ 20,219 31001

CAP-070 Canton One Stop Shop \$ 731,000 31002

CAP-076 Investigative Unit MARCS Equipment \$ 15,877 31003

Total Department of Public Safety \$ 3,561,703 31004

TOTAL Highway Safety Building Fund \$ 3,561,703 31005

Section 235.10. All items set forth in Sections 235.20 to 31007

236.20 of this act are hereby appropriated out of any moneys in 31008
the state treasury to the credit of the Administrative Building 31009
Fund (Fund 026) that are not otherwise appropriated: 31010

Reappropriations

Section 235.20. ADJ ADJUTANT GENERAL			31011
CAP-032	Upgrade Underground Storage Tanks	\$ 46,078	31012
CAP-034	Asbestos Abatement - Various Facilities	\$ 6,392	31013
CAP-036	Roof Replacement - Various Facilities	\$ 337,408	31014
CAP-038	Electrical System - Various Facilities	\$ 164,912	31015
CAP-039	Camp Perry Facility Improvements	\$ 235,272	31016
CAP-044	Replace Windows/Doors - Various Facilities	\$ 257,459	31017
CAP-045	Plumbing Renovations - Various Facilities	\$ 283,022	31018
CAP-046	Paving Renovations - Various Facilities	\$ 788,000	31019
CAP-050	HVAC Systems - Various Facilities	\$ 193,552	31020
CAP-054	Construct Camp Perry Administration Building	\$ 6,540	31021
CAP-056	Masonry Renovations - Various Facilities	\$ 181,096	31022
CAP-057	Sewer Improvement - Rickenbacker	\$ 1,300	31023
CAP-059	Construct Bowling Green Armory	\$ 14,151	31024
CAP-060	Facility Protection Measures	\$ 463,246	31025
CAP-061	Repair/Renovate Waste Water System	\$ 200,000	31026
CAP-068	Norwalk Armory Storage Facility	\$ 15,000	31027
CAP-069	Construct Marysville Armory/Community Center	\$ 2,883,475	31028
Total Adjutant General		\$ 6,076,903	31029

NEW ARMORY CONSTRUCTION 31030

The foregoing appropriation item CAP-059, Construct Bowling 31031
Green Armory, shall be used to fund the state's share of the cost 31032
of building a basic armory in the Bowling Green area, including 31033

the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

The amount reappropriated for appropriation item CAP-059, Construct Bowling Green Armory, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-059, Construct Bowling Green Armory, plus \$14,151.

Reappropriations

Section 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			31043
CAP-809	Hazardous Substance Abatement	\$ 1,609,476	31044
CAP-811	Health/EPA Laboratory Facilities	\$ 1,116,354	31045
CAP-822	Americans with Disabilities Act	\$ 1,598,416	31046
CAP-826	Office Services Building Renovation	\$ 86,483	31047
CAP-827	Statewide Communications System	\$ 16,943,803	31048
CAP-834	Capital Project Management System	\$ 1,157,600	31049
CAP-835	Energy Conservation Projects	\$ 890,085	31050
CAP-837	Major Computer Purchases	\$ 1,476,068	31051
CAP-838	SOCC Renovations	\$ 1,399,122	31052
CAP-844	Hamilton State/Local Government Center - Planning	\$ 57,500	31053
CAP-849	Facility Planning and Development	\$ 3,492,200	31054
CAP-850	Education Building Renovations	\$ 14,649	31055
CAP-852	North High Building Complex Renovations	\$ 11,534,496	31056
CAP-855	Office Space Planning	\$ 5,274,502	31057
CAP-856	Governor's Residence Security Update	\$ 6,433	31058
CAP-859	eSecure Ohio	\$ 2,626,921	31059
CAP-860	Structured Cabling	\$ 403,518	31060
CAP-864	eGovernment Infrastructure	\$ 1,297,400	31061
CAP-865	DAS Building Security	\$ 140,852	31062

CAP-866	OH*1 Network	\$	4,000,000	31063
CAP-867	Lausche Building Connector	\$	1,307,200	31064
CAP-868	Riversouth Development	\$	18,500,000	31065
Total Department of Administrative Services		\$	74,933,078	31066

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 31067

The foregoing appropriation item CAP-809, Hazardous Substance 31068
Abatement, shall be used to fund the removal of asbestos, PCB, 31069
radon gas, and other contamination hazards from state facilities. 31070

Prior to the release of funds for asbestos abatement, the 31071
Department of Administrative Services shall review proposals from 31072
state agencies to use these funds for asbestos abatement projects 31073
based on criteria developed by the Department of Administrative 31074
Services. Upon a determination by the Department of Administrative 31075
Services that the requesting agency cannot fund the asbestos 31076
abatement project or other toxic materials removal through 31077
existing capital and operating appropriations, the Department may 31078
request the release of funds for such projects by the Controlling 31079
Board. State agencies intending to fund asbestos abatement or 31080
other toxic materials removal through existing capital and 31081
operating appropriations shall notify the Director of 31082
Administrative Services of the nature and scope prior to 31083
commencing the project. 31084

Only agencies that have received appropriations for capital 31085
projects from the Administrative Building Fund (Fund 026) are 31086
eligible to receive funding from this item. Public school 31087
districts are not eligible. 31088

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 31089

The foregoing appropriation item CAP-822, Americans with 31090
Disabilities Act, shall be used to renovate state-owned facilities 31091
to provide access for physically disabled persons in accordance 31092
with Title II of the Americans with Disabilities Act. 31093

Prior to the release of funds for renovation, state agencies shall perform self-evaluations of state-owned facilities identifying barriers to access to service. State agencies shall prioritize access barriers and develop a transition plan for the removal of these barriers. The Department of Administrative Services shall review proposals from state agencies to use these funds for Americans with Disabilities Act renovations.

Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 026) are eligible to receive funding from this item. Public school districts are not eligible.

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the Directors of the Office of Information Technology, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management. The Director of the Office of Information Technology or the Director's designee shall chair the Committee. The Committee shall provide assistance to the Director of the Office of Information Technology for effective and efficient implementation of the MARCS system as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of the Office of Information Technology and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.

The foregoing appropriation item CAP-827, Statewide Communications System, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, multi-agency

equipment at the Emergency Operations Center/Joint Dispatch 31125
Facility, computer and telecommunication equipment used for the 31126
functioning and integration of the system, communications towers, 31127
tower sites, tower equipment, and linkages among towers and 31128
between towers and the State of Ohio Network for Integrated 31129
Communication (SONIC) system. The Director of Administrative 31130
Services shall, with the concurrence of the MARCS Steering 31131
Committee, determine the specific use of funds. 31132

The amount reappropriated for the foregoing appropriation 31133
item CAP-827, Statewide Communications System, is the unencumbered 31134
and unallotted balance as of June 30, 2006, in appropriation item 31135
CAP-827, Statewide Communications System, plus \$623,665.11. 31136

Spending from this appropriation item shall not be subject to 31137
Chapters 123. and 153. of the Revised Code. 31138

ENERGY CONSERVATION PROJECTS 31139

The foregoing appropriation item CAP-835, Energy Conservation 31140
Projects, shall be used to perform energy conservation 31141
renovations, including the United States Environmental Protection 31142
Agency's Energy Star Program, in state-owned facilities. Prior to 31143
the release of funds for renovation, state agencies shall have 31144
performed a comprehensive energy audit for each project. The 31145
Department of Administrative Services shall review and approve 31146
proposals from state agencies to use these funds for energy 31147
conservation. Public school districts and state-supported and 31148
state-assisted institutions of higher education are not eligible 31149
for funding from this item. 31150

NORTH HIGH BUILDING COMPLEX RENOVATIONS 31151

The amount reappropriated for the foregoing appropriation 31152
item CAP-852, North High Building Complex Renovations, is the 31153
unencumbered and unallotted balance as of June 30, 2006, in 31154
appropriation item CAP-852, North High Building Complex 31155

Renovations, plus the sum of the unencumbered and unallotted 31156
balance for appropriation item CAP-813, Heer Building Renovation 31157
as of June 30, 2006. 31158

Reappropriations

Section 235.40. AGR DEPARTMENT OF AGRICULTURE 31159

CAP-025	Building Renovations	\$	5,020	31160
CAP-029	Administration Building Renovation	\$	541	31161
CAP-033	Site Electrical/Utility Improvement	\$	15,420	31162
CAP-037	Consumer Lab/Weights/Measures Equip	\$	6,428	31163
CAP-039	Renovate Weights/Measures Building	\$	307,655	31164
CAP-042	Reynoldsburg Complex Security	\$	110,000	31165
CAP-043	Building and Grounds Renovation	\$	501,863	31166
CAP-044	Renovate Building 4	\$	59,832	31167
CAP-049	Consumer Analytical Laboratory	\$	110,000	31168
CAP-050	Plant Industries Building Planning	\$	650,000	31169
Total Department of Agriculture		\$	1,766,759	31170

Reappropriations

Section 235.50. AGO ATTORNEY GENERAL 31172

CAP-715	Expand/Renovate Richfield Lab	\$	51,942	31173
Total Attorney General		\$	51,942	31174

EXPAND/RENOVATE RICHFIELD LAB 31175

The amount reappropriated for appropriation item CAP-715, 31176
Expand/Renovate Richfield Lab, is the unencumbered and unallotted 31177
balance as of June 30, 2006, in appropriation item CAP-715, 31178
Expand/Renovate Richfield Lab, plus \$39,403. 31179

Reappropriations

Section 235.60. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 31180

CAP-010	Capitol Rotunda Renovations	\$	1,607,515	31181
CAP-015	Sound System Upgrades	\$	136,118	31182

Total Capitol Square Review and Advisory Board \$ 1,743,633 31183

Reappropriations

Section 235.70. EXP EXPOSITIONS COMMISSION 31185

CAP-037 Electric and Lighting Upgrade \$ 2,400,000 31186

CAP-046 Land Acquisition \$ 5,240 31187

CAP-056 Building Renovations - 2 \$ 1,609,813 31188

CAP-057 HVAC Planning \$ 2,001 31189

CAP-063 Facility Improvements and Modernization \$ 131,771 31190
Plan

CAP-064 Replacement of Water Lines \$ 16,209 31191

CAP-068 Masonry Renovations \$ 59,824 31192

CAP-069 Restroom Renovations \$ 9,559 31193

CAP-072 Emergency Renovations and Equipment \$ 783,523 31194
Replacement

Total Expositions Commission \$ 5,017,940 31195

FACILITY IMPROVEMENTS AND MODERNIZATION PLAN 31196

The amount reappropriated for the foregoing appropriation 31197

item CAP-063, Facility Improvements and Modernization Plan, is the 31198

unencumbered and unallotted balance as of June 30, 2006, in 31199

appropriation item CAP-063, Facility Improvements and 31200

Modernization Plan, plus \$131,771. 31201

Reappropriations

Section 235.80. DNR DEPARTMENT OF NATURAL RESOURCES 31202

CAP-741 High Band Radio System \$ 107,336 31203

CAP-742 Fountain Square Building and Telephone \$ 1,403,088 31204
System Improvements

CAP-744 Multi-Agency Radio Communications \$ 2,412,559 31205
Equipment

CAP-747 DNR Fairgrounds Areas Upgrading \$ 500,000 31206

CAP-867 Reclamation Facility Renovation and \$ 225,000 31207

	Development			
CAP-928	Handicapped Accessibility	\$	39,654	31208
CAP-934	District Office Renovations and	\$	761,147	31209
	Development			
Total Department of Natural Resources		\$	5,448,784	31210

Reappropriations

	Section 235.90. DHS DEPARTMENT OF PUBLIC SAFETY			31212
CAP-053	Construct EMA/EOC and Office Building	\$	6,605	31213
CAP-054	Multi-Agency Radio Communications System	\$	587,511	31214
CAP-067	VHF Radio System Improvements	\$	224,464	31215
CAP-078	Upgrade/Replacement - State EOC	\$	950,762	31216
	Equipment			
CAP-081	National Weather Radio Coverage	\$	162,900	31217
Total Department of Public Safety		\$	1,932,242	31218

Reappropriations

	Section 236.10. OSB SCHOOL FOR THE BLIND			31220
CAP-728	New School Lighting	\$	184,500	31221
CAP-745	Roof Improvements on the School and	\$	164,186	31222
	Cottage			
CAP-751	Upgrade Fire Alarm System	\$	73,192	31223
CAP-757	Bathroom Handicapped Accessibility	\$	20,956	31224
CAP-764	Electric System Improvements	\$	29,774	31225
CAP-772	Boiler Replacement	\$	233,240	31226
CAP-774	Glass Windows/East Wall of Natatorium	\$	63,726	31227
CAP-775	Renovation of Science Lab Greenhouse	\$	58,850	31228
CAP-776	Renovating Recreation Area	\$	213,900	31229
CAP-777	New Classrooms/Secondary MH Program	\$	880,407	31230
CAP-778	Renovation of Student Health Service	\$	144,375	31231
	Area			
CAP-779	Replacement of Cottage Windows	\$	208,725	31232
CAP-780	Residential Renovations	\$	7,043	31233

CAP-781	Food Prep Area/Air Conditioning	\$	67,250	31234
	Total Ohio School for the Blind	\$	2,350,124	31235

Reappropriations

	Section 236.20. OSD SCHOOL FOR THE DEAF			31237
CAP-776	Dormitory Renovations	\$	2,833	31238
CAP-777	Boilers, Blowers, Central School Complex	\$	748,144	31239
CAP-778	Central Warehouse	\$	676,624	31240
CAP-779	Storage Barn	\$	330,850	31241
	Total Ohio School for the Deaf	\$	1,758,451	31242
	Total Administrative Building Fund	\$	101,079,856	31243

Section 239.10. All items set forth in this section are 31245
 hereby appropriated out of any moneys in the state treasury to the 31246
 credit of the Adult Correctional Building Fund (Fund 027) that are 31247
 not otherwise appropriated: 31248

Reappropriations

	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			31249
	STATEWIDE AND CENTRAL OFFICE PROJECTS			31250
CAP-002	Local Jails	\$	1,852,736	31251
CAP-003	Community-Based Correctional Facilities	\$	10,119,077	31252
CAP-004	Site Renovations	\$	618,891	31253
CAP-007	Asbestos Removal	\$	380,624	31254
CAP-008	Powerhouse/Utility Improvements	\$	2,507,048	31255
CAP-009	Water System/Plant Improvements	\$	4,613,277	31256
CAP-010	Industrial Equipment - Statewide	\$	373,291	31257
CAP-011	Roof/Window Renovations - Statewide	\$	601,320	31258
CAP-012	Shower/Restroom Improvements	\$	1,142,680	31259
CAP-017	Security Improvements - Statewide	\$	7,583,533	31260
CAP-026	Waste Water Treatment Facilities	\$	41,087	31261
CAP-041	Community Residential Program	\$	5,566,687	31262
CAP-109	Statewide Fire Alarm Systems	\$	69,080	31263
CAP-111	General Building Renovations	\$	33,465,948	31264

CAP-129	Water Treatment Plants - Statewide	\$	651,500	31265
CAP-141	Multi-Agency Radio System Equipment	\$	835,604	31266
CAP-142	Various Medical Services	\$	755,818	31267
CAP-143	Perimeter, Lighting, Alarm, Sallyports	\$	659,236	31268
CAP-186	Close Custody Prison and Camp	\$	5,000,000	31269
CAP-187	Mandown Alert Communication System - Statewide	\$	3,172,907	31270
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300	31271
CAP-189	Tuck-pointing - Statewide	\$	27,754	31272
CAP-238	Electrical Systems Upgrades	\$	175,025	31273
CAP-239	Emergency Projects	\$	1,532,617	31274
CAP-240	State Match for Federal Prison Construction Funds	\$	1,625,319	31275
CAP-302	OPI Shops Renovation - Statewide	\$	75,000	31276
Total Statewide and Central Office Projects		\$	83,605,359	31277
BELMONT CORRECTIONAL INSTITUTION				31278
CAP-358	Soft Start Capacitors	\$	28,928	31279
Total Belmont Correctional Institution		\$	28,928	31280
CHILLICOTHE CORRECTIONAL INSTITUTION				31281
CAP-177	Convert Warehouse to Dormitory	\$	596	31282
CAP-190	Utility Improvements	\$	117,500	31283
CAP-258	Sewer Upgrades	\$	267,092	31284
Total Chillicothe Correctional Institution		\$	385,188	31285
CORRECTIONAL RECEPTION CENTER				31286
CAP-333	HVAC Upgrade - CRC	\$	1,500	31287
CAP-334	Roof Renovation - CRC	\$	705	31288
Total Correctional Reception Center		\$	2,205	31289
CORRECTIONS MEDICAL CENTER				31290
CAP-362	Parking Lot Improvements	\$	80,895	31291
Total Corrections Medical Center		\$	80,895	31292
CORRECTIONS TRAINING ACADEMY				31293
CAP-342	Asbestos Abatement/HVAC Upgrade - CTA	\$	913,710	31294

Total Corrections Training Academy	\$	913,710	31295
DAYTON CORRECTIONAL INSTITUTION			31296
CAP-195 Hot Water System Improvements - DCI	\$	400,000	31297
CAP-242 Shower Renovations - DCI	\$	58,929	31298
CAP-352 Site Drainage Improvement	\$	3,500	31299
Total Dayton Correctional Institution	\$	462,429	31300
FRANKLIN PRE-RELEASE CENTER			31301
CAP-316 Roof Renovation - FPRC	\$	1,200	31302
Total Franklin Pre-Release Center	\$	1,200	31303
GRAFTON CORRECTIONAL INSTITUTION			31304
CAP-339 Residential Treatment Unit - ADD - GCI	\$	1,500	31305
CAP-359 Roof Replacement - GCI	\$	918,916	31306
Total Grafton Correctional Institution	\$	920,416	31307
LEBANON CORRECTIONAL INSTITUTION			31308
CAP-118 Water Tower Renovations	\$	1,174	31309
CAP-119 Masonry Improvements - LECI	\$	3,063	31310
CAP-198 Water Treatment Plant - LECI	\$	1,269,008	31311
CAP-285 Bar Screen Replacement	\$	1,203	31312
CAP-332 Electric Distribution and Transformer	\$	101,000	31313
CAP-361 Dietary Floor Renovation	\$	18,040	31314
Total Lebanon Correctional Institution	\$	1,393,488	31315
LONDON CORRECTIONAL INSTITUTION			31316
CAP-245 Bridge Replacement - LOCI	\$	2,865	31317
CAP-261 Roof Replacement	\$	1,028	31318
CAP-308 Electric Upgrades - LOCI	\$	250,000	31319
Total London Correctional Institution	\$	253,893	31320
LORAIN CORRECTIONAL INSTITUTION			31321
CAP-303 Auger Replacement - LLORCL	\$	500	31322
CAP-348 Door and Lock Replacement - LRCI	\$	1,500	31323
CAP-353 Roof Renovations - LRCI	\$	15,000	31324
Total Lorain Correctional Institution	\$	17,000	31325
MADISON CORRECTIONAL INSTITUTION			31326
CAP-288 Water Softener System - Madison	\$	1,500	31327

Total Madison Correctional Institution	\$	1,500	31328
MANSFIELD CORRECTIONAL INSTITUTION			31329
CAP-305 Site Improvements - MNCI	\$	314,375	31330
CAP-307 Network Wiring - MNCI	\$	155,073	31331
CAP-356 Security Fence Upgrade - MNCI	\$	456,537	31332
Total Mansfield Correctional Institution	\$	925,985	31333
MARION CORRECTIONAL INSTITUTION			31334
CAP-208 Hot Water Tank Replacement	\$	151,750	31335
CAP-246 Exterior Window Replacement - MCI	\$	1,075	31336
CAP-329 Concrete Floor Replacement - MCI	\$	866	31337
Total Marion Correctional Institution	\$	153,691	31338
OHIO REFORMATORY FOR WOMEN			31339
CAP-165 Master Plan Building/Renovations - ORW	\$	59,585	31340
CAP-210 Replacement Dormitory - ORW	\$	772,090	31341
CAP-212 Powerhouse Renovation & Replumbing	\$	1,250,000	31342
CAP-267 Renovate ARN Dorms	\$	761	31343
CAP-326 Control Center Expansion - ORW	\$	1,500	31344
CAP-327 Roof Replacement - ORW	\$	168,852	31345
Total Ohio Reformatory for Women	\$	2,252,788	31346
OHIO STATE PENITENTIARY			31347
CAP-363 Fence Security Systms - OSP	\$	12,700	31348
Total Ohio State Penitentiary	\$	12,700	31349
PICKAWAY CORRECTIONAL INSTITUTION			31350
CAP-228 Power House Improvements	\$	1,000	31351
CAP-274 Replacement of Segregation Housing	\$	4,806,750	31352
CAP-312 Waste Water Treatment Plant	\$	6,767,175	31353
CAP-357 Emergency Generator Repair - PCI	\$	1,080,993	31354
Total Pickaway Correctional Institution	\$	12,655,918	31355
RICHLAND CORRECTIONAL INSTITUTION			31356
CAP-360 Dormitory Exterior Stairs - RICI	\$	271,278	31357
Total Richland Correctional Institution	\$	271,278	31358
ROSS CORRECTIONAL INSTITUTION			31359
CAP-276 Rubberized Roof Replacement	\$	38,863	31360

CAP-311	Water Tower Renovation - RCI	\$	1,600	31361
CAP-331	Security Upgrades and Improvements	\$	76,600	31362
Total Ross Correctional Institution		\$	117,063	31363
SOUTHEASTERN CORRECTIONAL INSTITUTION				31364
CAP-167	Master Plan Building/Renovations - SCI	\$	8,569	31365
CAP-336	Waste Water Treatment Plant Improvements - SCI	\$	421,952	31366
Total Southeastern Correctional Institution		\$	430,521	31367
SOUTHERN OHIO CORRECTIONAL FACILITY				31368
CAP-279	Powerhouse Domestic Hot Water Replacement	\$	150,664	31369
Total Southern Ohio Correctional Facility		\$	150,664	31370
TOTAL Department of Rehabilitation and Correction		\$	105,036,819	31371
TOTAL Adult Correctional Building Fund		\$	105,036,819	31372

Section 239.20. LOCAL JAILS 31374

From the foregoing appropriation item, CAP-002, Local Jails, 31375
the Department of Rehabilitation and Correction shall designate 31376
the projects involving the construction and renovation of county, 31377
multicounty, municipal-county, and multicounty-municipal jail 31378
facilities and workhouses, including correctional centers 31379
authorized under sections 153.61 and 307.93 of the Revised Code, 31380
for which the Ohio Building Authority is authorized to issue 31381
obligations. Notwithstanding any provisions to the contrary in 31382
Chapter 152. or 153. of the Revised Code, the Department of 31383
Rehabilitation and Correction may coordinate, review, and monitor 31384
the drawdown and use of funds for the renovation or construction 31385
of projects for which designated funds are provided. 31386

The funding authorized under this section shall not be 31387
applied to any such facilities that are not designated by the 31388
Department of Rehabilitation and Correction. The amount of funding 31389
authorized under this section that may be applied to a project 31390

designated for initial funding after July 1, 2000, involving the
construction or renovation of a county, multicounty,
municipal-county, and multicounty-municipal jail facilities and
workhouses, including correctional centers authorized under
sections 153.61 and 307.93 of the Revised Code, shall not exceed
\$35,000 per bed of the total allowable cost of the project in the
case of construction of county and municipal-county jail
facilities, workhouses, and correctional centers, or multicounty
or multicounty-municipal jail facilities, workhouses, and
correctional centers and shall not exceed 30 per cent of the total
allowable cost of the project in the case of renovation of county,
multicounty, municipal-county, and multicounty-municipal jail
facilities, workhouses, and correctional centers. If a political
subdivision is in the planning phase of constructing a multicounty
or multicounty-municipal jail facility, workhouse, or correctional
center on or before the effective date of this section, the
Department of Rehabilitation and Correction shall fund that
facility at \$42,000 per bed. Multicounty or multicounty-municipal
jail facility construction projects initiated after the effective
date of this section may be considered for, but are not entitled
to be awarded, funding at \$42,000 per bed. The higher per bed
award is at the discretion of the Department of Rehabilitation and
Correction and is contingent upon available funds, the impact of
the project, and inclusion of at least three counties in the
project.

The cost-per-bed funding authorized under this section that
may be applied to a construction project shall not exceed the
actual cost-per-bed of the project. The 30 per cent funding
authorized under this section that may be applied to a renovation
project shall not exceed \$35,000 per bed of the total allowable
cost of the project.

The funding authorized under this section shall not be

applied to any project involving the construction of a county, 31423
multicounty, municipal-county, or multicounty-municipal jail 31424
facility or workhouse, including a correctional center established 31425
under sections 153.61 and 307.93 of the Revised Code, unless the 31426
facility, workhouse, or correctional center will be built in 31427
compliance with "The Minimum Standards for Jails in Ohio" and the 31428
plans have been approved under section 5120.10 of the Revised 31429
Code. In addition, the funding authorized under this section shall 31430
not be applied to any project involving the renovation of a 31431
county, multicounty, municipal-county, or multicounty-municipal 31432
jail facility or workhouse, including a correctional center 31433
established under sections 153.61 and 307.93 of the Revised Code, 31434
unless the renovation is for the purpose of bringing the facility, 31435
workhouse, or correctional center into compliance with "The 31436
Minimum Standards for Jails in Ohio" and the plans have been 31437
approved under section 5120.10 of the Revised Code. 31438

Section 239.30. COMMUNITY-BASED CORRECTIONAL FACILITIES 31439

The Department of Rehabilitation and Correction may designate 31440
to the Ohio Building Authority the sites of, and, notwithstanding 31441
any provisions to the contrary in Chapter 152. or 153. of the 31442
Revised Code, may review the renovation or construction of the 31443
single county and district community-based correctional facilities 31444
funded by the foregoing appropriation item CAP-003, 31445
Community-Based Correctional Facilities. 31446

Section 239.40. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 31447

The foregoing appropriation item CAP-041, Community 31448
Residential Program, may be used by the Department of 31449
Rehabilitation and Correction, under sections 5120.103, 5120.104, 31450
and 5120.105 of the Revised Code, to provide for the construction 31451
or renovation of halfway house facilities for offenders eligible 31452

for community supervision by the Department of Rehabilitation and Correction. 31453
31454

Section 241.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028) that are not otherwise appropriated: 31455
31456
31457
31458

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES

			31459
CAP-801	Fire Suppression/Safety/Security	\$ 2,400,980	31460
CAP-803	General Institutional Renovations	\$ 5,638,025	31461
CAP-812	Community Rehabilitation Centers	\$ 151,991	31462
CAP-821	Construct Maximum Security Facility	\$ 134,795	31463
CAP-823	Cuyahoga Boys School Renovation and Expansion	\$ 42,198	31464
CAP-828	Multi-Agency Radio System Equipment	\$ 61,539	31465
CAP-829	Local Juvenile Detention Centers	\$ 692,623	31466
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$ 145,546	31467
CAP-833	Security Renovations - Indian River	\$ 5,340	31468
CAP-834	Health and Safety Unit - Riverview	\$ 196,092	31469
CAP-837	Sanitary Safety/Renovations Indian River	\$ 1,400,756	31470
CAP-838	EDU and Programming Expansion - ORV	\$ 1,400,000	31471
	Total Department of Youth Services	\$ 12,269,885	31472
	TOTAL Juvenile Correctional Building Fund	\$ 12,269,885	31473

Section 241.20. COMMUNITY REHABILITATION CENTERS 31475

From the foregoing appropriation item CAP-812, Community Rehabilitation Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of single county and multicounty community corrections facilities for which the Ohio Building Authority is authorized to issue 31476
31477
31478
31479
31480

obligations. 31481

The Department of Youth Services is authorized to review and 31482
approve the renovation and construction of projects for which 31483
funds are provided. The proceeds of any obligations authorized 31484
under this section shall not be applied to any such facilities 31485
that are not designated and approved by the Department of Youth 31486
Services. 31487

The Department of Youth Services shall adopt guidelines to 31488
accept and review applications and designate projects. The 31489
guidelines shall require the county or counties to justify the 31490
need for the facility and to comply with timelines for the 31491
submission of documentation pertaining to the site, program, and 31492
construction. 31493

For purposes of this section, "community corrections 31494
facilities" has the same meaning as in section 5139.36 of the 31495
Revised Code. 31496

Section 241.30. LOCAL JUVENILE DETENTION CENTERS 31497

From the foregoing appropriation item CAP-829, Local Juvenile 31498
Detention Centers, the Department of Youth Services shall 31499
designate the projects involving the construction and renovation 31500
of county and multicounty juvenile detention centers for which the 31501
Ohio Building Authority is authorized to issue obligations. 31502

The Department of Youth Services is authorized to review and 31503
approve the renovation and construction of projects for which 31504
funds are provided. The proceeds of any obligations authorized 31505
under this section shall not be applied to any such facilities 31506
that are not designated by the Department of Youth Services. 31507

The Department of Youth Services shall comply with the 31508
guidelines set forth in this section, accept and review 31509
applications, designate projects, and determine the amount of 31510

state match funding to be applied to each project. The department shall, with the advice of the county or counties participating in a project, determine the funded design capacity of the detention centers that are designated to receive funding. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Youth Services may coordinate, review, and monitor the drawdown and use of funds for the renovation and construction of projects for which designated funds are provided.

(A) The Department of Youth Services shall develop a weighted numerical formula to determine the amount, if any, of state match that may be provided to a single or multicounty detention center project. The formula shall include the factors specified below in division (A)(1) of this section and may include the factors specified below in division (A)(2) of this section. The weight assigned to the factors specified in division (A)(1) of this section shall be not less than twice the weight assigned to factors specified in division (A)(2) of this section.

(1)(a) The number of detention center beds needed in the county or group of counties, as estimated by the Department of Youth Services, is significantly more than the number of beds currently available;

(b) Any existing detention center in the county or group of counties does not meet health, safety, or security standards for detention centers as established by the Department of Youth Services;

(c) The Department of Youth Services projects that the county or group of counties have a need for a sufficient number of detention beds to make the project economically viable.

(2)(a) The percentage of children in the county or group of counties living below the poverty level is above the state

average; 31542

(b) The per capita income in the county or group of counties 31543
is below the state average. 31544

(B) The formula developed by the Department of Youth Services 31545
shall yield a percentage of state match ranging from 0 to 60 per 31546
cent based on the above factors. Notwithstanding the foregoing 31547
provisions, if a single county or multicounty system currently has 31548
no detention center beds, or if the projected need for detention 31549
center beds as estimated by the Department of Youth Services is 31550
greater than 120 per cent of current detention center bed 31551
capacity, then the percentage of state match shall be 60 per cent. 31552
To determine the dollar amount of the state match for new 31553
construction projects, the percentage of state match is multiplied 31554
by \$125,000 per bed for detention centers with a designated 31555
capacity of 99 beds or less, and by \$130,000 per bed for detention 31556
centers with a design capacity of 100 beds or more. To determine 31557
the dollar amount of the state match for renovation projects the 31558
percentage match shall be multiplied by the actual cost of the 31559
renovation, provided that the cost of the renovation does not 31560
exceed \$100,000 per bed. The funding authorized under this section 31561
that may be applied to a construction or renovation project shall 31562
not exceed the actual cost of the project. 31563

The funding authorized under this section shall not be 31564
applied to any project unless the detention center will be built 31565
in compliance with health, safety, and security standards for 31566
detention centers as established by the Department of Youth 31567
Services. In addition, the funding authorized under this section 31568
shall not be applied to the renovation of a detention center 31569
unless the renovation is for the purpose of increasing the number 31570
of beds in the center, or to meet health, safety, or security 31571
standards for detention centers as established by the Department 31572
of Youth Services. 31573

Section 243.10. All items set forth in this section are 31574
hereby appropriated out of any moneys in the state treasury to the 31575
credit of the Cultural and Sports Facilities Building Fund (Fund 31576
030) that are not otherwise appropriated: 31577

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 31578

CAP-003	Center of Science and Industry - Toledo	\$	7,542	31579
CAP-033	Woodward Opera House Renovation	\$	1,150,000	31580
CAP-038	Center Exhibit Replacement	\$	816,000	31581
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	31582
CAP-043	Statewide Site Repairs	\$	200,100	31583
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	31584
CAP-053	Powers Auditorium Improvements	\$	250,000	31585
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	31586
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	31587
CAP-064	Bramley Historic House	\$	75,000	31588
CAP-065	Beck Center for the Cultural Arts	\$	100,000	31589
CAP-066	Delaware County Cultural Arts Center	\$	40,000	31590
CAP-071	Cleveland Institute of Music	\$	1,500,000	31591
CAP-072	West Side Arts Consortium	\$	138,000	31592
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	31593
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	31594
CAP-075	McKinley Museum Improvements	\$	125,000	31595
CAP-076	Spring Hill Historic Home	\$	125,000	31596
CAP-079	Lorain Palace Civic Theatre	\$	200,000	31597
CAP-080	Great Lakes Historical Society	\$	150,000	31598
CAP-745	Historic Sites and Museums	\$	604,453	31599
CAP-753	Buffington Island State Memorial	\$	73,500	31600
CAP-769	Rankin House State Memorial	\$	192,000	31601
CAP-781	Historical Center Archives/Library	\$	624,000	31602

CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	31603
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	31604
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	31605
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	31606
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	31607
CAP-821	Lorain County Historical Society	\$	300,000	31608
CAP-822	Armory Youth Center	\$	40,000	31609
CAP-823	Marion Palace Theatre	\$	1,575,000	31610
CAP-824	McConnellsville Opera House	\$	75,000	31611
CAP-825	Secrest Auditorium	\$	75,000	31612
CAP-826	Renaissance Theatre	\$	700,000	31613
CAP-827	Trumpet in the Land	\$	100,000	31614
CAP-829	Mid-Ohio Valley Players	\$	80,000	31615
CAP-830	The Anchorage	\$	50,000	31616
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	31617
CAP-835	Jamestown Opera House	\$	125,000	31618
CAP-837	Lake County Historical Society	\$	250,000	31619
CAP-839	Hancock Historical Society	\$	75,000	31620
CAP-840	Riversouth Development	\$	1,000,000	31621
CAP-841	Ft. Piqua Hotel	\$	200,000	31622
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	31623
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	31624
CAP-845	Lima Historic Athletic Field	\$	100,000	31625
CAP-846	Butler Palace Theatre	\$	200,000	31626
CAP-847	Voice Of America Museum	\$	275,000	31627
CAP-848	Oxford Arts Center ADA Project	\$	72,000	31628
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	31629
CAP-850	Westcott House Historic Site	\$	75,000	31630

CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	31631
CAP-852	Miami Township Community Amphitheatre	\$	50,000	31632
CAP-853	Western Reserve Historical Society	\$	1,000,000	31633
CAP-854	Steamship Mather Museum	\$	100,000	31634
CAP-855	Rock and Roll Hall of Fame	\$	250,000	31635
CAP-858	Strongsville Historic Building	\$	100,000	31636
CAP-859	Arts Castle	\$	100,000	31637
CAP-860	Great Lakes Historical Society	\$	325,000	31638
CAP-861	Ohio Glass Museum	\$	250,000	31639
CAP-863	Ariel Theatre	\$	100,000	31640
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	31641
CAP-867	Ensemble Theatre	\$	450,000	31642
CAP-868	Taft Museum	\$	500,000	31643
CAP-869	Art Academy of Cincinnati	\$	100,000	31644
CAP-870	Riverbend Pavilion Improvements	\$	250,000	31645
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	31646
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	31647
CAP-873	John Bloomfield Home Restoration	\$	115,000	31648
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	31649
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	31650
CAP-876	Art Deco Markay Theatre	\$	200,000	31651
CAP-877	Harvey Wells House	\$	100,000	31652
CAP-879	Broad Street Historical Renovation	\$	300,000	31653
CAP-880	Amherst Historical Society	\$	35,000	31654
CAP-881	COSI - Toledo	\$	1,580,000	31655
CAP-882	Ohio Theatre - Toledo	\$	100,000	31656
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	31657
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	31658
CAP-885	Montgomery County Historical Society Archives	\$	100,000	31659

CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	31660
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	31661
CAP-888	Preble County Historical Society	\$	100,000	31662
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	31663
CAP-890	Pro Football Hall of Fame	\$	400,000	31664
CAP-891	Maps Air Museum	\$	15,000	31665
CAP-892	Foundation Community Theatre	\$	50,000	31666
CAP-893	William McKinley Library Restoration	\$	250,000	31667
CAP-896	Richard Howe House	\$	100,000	31668
CAP-897	Ward-Thomas Museum	\$	30,000	31669
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000	31670
CAP-899	Holland Theatre	\$	100,000	31671
CAP-900	Van Wert Historical Society	\$	32,000	31672
CAP-901	Warren County Historical Society	\$	225,000	31673
CAP-902	Marietta Colony Theatre	\$	335,000	31674
CAP-903	West Salem Village Opera House	\$	92,000	31675
CAP-904	Beavercreek Community Theater	\$	100,000	31676
CAP-905	Smith Orr Homestead	\$	100,000	31677
	Total Cultural Facilities Commission	\$	39,831,048	31678
	TOTAL Cultural and Sports Facilities Building Fund	\$	39,831,048	31679

ARMORY YOUTH CENTER 31680

For the foregoing appropriation item CAP-822, Armory Youth 31681
Center, the Ohio Cultural Facilities Commission and the Ohio 31682
Historical Society shall enter into an agreement whereby the Ohio 31683
Historical Society shall administer the funds for the project, a 31684
site listed on the National Register of Historic Places. 31685

PACKARD MUSIC HALL RENOVATIONS PROJECT 31686

The amount reappropriated for the foregoing appropriation 31687
item CAP-898, Packard Music Hall Renovation Project, is the 31688
unencumbered and unallotted balance, as of June 30, 2006, in 31689
appropriation item CAP-898, Packard Music Hall Renovation Project, 31690
plus \$975,000 of the unencumbered and unallotted balance, as of 31691

June 30, 2006, in appropriation item CAP-063, Robins Theatre 31692
Renovations. 31693

Section 245.10. All items set forth in this section are 31694
hereby appropriated out of any moneys in the state treasury to the 31695
credit of the Ohio Parks and Natural Resources Fund (Fund 031) 31696
that are not otherwise appropriated: 31697

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 31698

STATEWIDE AND LOCAL PROJECTS 31699

CAP-012	Land Acquisition	\$	1,708,039	31700
CAP-024	Statewide Boundary and Miscellaneous Surveying	\$	43,895	31701
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	520,050	31702
CAP-703	Cap Abandoned Water Wells	\$	69,123	31703
CAP-748	Local Parks Projects - Statewide	\$	2,091,973	31704
CAP-750	Quilter CCC Camp	\$	46,400	31705
CAP-751	City of Portsmouth Launch Ramp	\$	1,800	31706
CAP-753	Project Planning	\$	1,791,151	31707
CAP-766	South Fork Licking Watershed Study	\$	2,469	31708
CAP-768	Grand River Wildlife Area	\$	2,700	31709
CAP-817	Riffe CCC Camp	\$	1,709	31710
CAP-834	Appraisal Fees - Statewide	\$	79,615	31711
CAP-835	Civilian Conservation Facilities	\$	346,280	31712
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	31713
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	31714
CAP-874	Lake Erie Access	\$	5,070	31715
CAP-876	Statewide Trails Program	\$	963	31716
CAP-881	Dam Rehabilitation	\$	18,554,846	31717
CAP-928	Handicapped Accessibility	\$	77,950	31718
CAP-929	Hazardous Waste/Asbestos Abatement	\$	57,361	31719
CAP-931	Wastewater/Water Systems Upgrades	\$	5,406,599	31720
CAP-934	Operations Facilities Development	\$	354,291	31721

CAP-995	Boundary Protection	\$	32,426	31722
CAP-999	Geographic Information Management System	\$	62,650	31723
Total Statewide and Local Projects		\$	32,837,144	31724
DIVISION OF FORESTRY				31725
CAP-021	Mohican State Forest	\$	1,200	31726
CAP-030	Shawnee State Forest	\$	1,300	31727
CAP-071	Statewide Forestry Facility Improvements	\$	277,620	31728
CAP-073	Brush Creek State Forest	\$	5,850	31729
CAP-129	Zanesville Nursery	\$	9,500	31730
CAP-841	Operations and Maintenance Facility	\$	450,548	31731
Development and Renovation				
Total Division of Forestry		\$	746,018	31732
DIVISION OF NATURAL AREAS AND PRESERVES				31733
CAP-006	Little Beaver Creek Nature Preserve	\$	1,500	31734
CAP-826	Natural Areas and Preserves	\$	482,556	31735
Maintenance/Facility Development				
CAP-831	Lake Katherine	\$	17,299	31736
CAP-980	Old Woman Creek	\$	2,969	31737
Total Division of Natural Areas		\$	504,324	31738
DIVISION OF PARKS AND RECREATION				31739
CAP-003	Barkcamp State Park	\$	3,025	31740
CAP-004	Burr Oak State Park	\$	7,400	31741
CAP-005	Cowan Lake State Park	\$	9,337	31742
CAP-010	East Harbor State Park	\$	38,129	31743
CAP-016	Hueston Woods State Park	\$	7,300	31744
CAP-017	Indian Lake State Park	\$	2,569	31745
CAP-019	Lake Hope State Park	\$	22,695	31746
CAP-022	Muskingum River Lock #2	\$	20,000	31747
CAP-025	Punderson Lake State Park	\$	5,997	31748
CAP-027	Rocky Fork State Park	\$	28,212	31749
CAP-029	Salt Fork State Park	\$	1,017	31750
CAP-032	West Branch State Park	\$	3,243	31751
CAP-051	Buck Creek State Park	\$	25,500	31752

CAP-060	East Fork State Park	\$	51,942	31753
CAP-064	Geneva State Park	\$	5,838	31754
CAP-068	Kennedy Stone House	\$	15,000	31755
CAP-069	Hocking Hills State Park	\$	11,725	31756
CAP-081	Jackson Lake State Park	\$	19,416	31757
CAP-083	John Bryan State Park Shelter Construction	\$	30,000	31758
CAP-084	Findley State Park General Improvements	\$	12,500	31759
CAP-089	Mosquito Lake State Park	\$	28,000	31760
CAP-093	Portage Lakes State Park	\$	129,944	31761
CAP-114	Beaver Creek State Park	\$	12,000	31762
CAP-222	Wolf Run State Park	\$	21,787	31763
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	1,666,051	31764
CAP-305	Maumee Bay State Park	\$	900	31765
CAP-331	Park Boating Facilities	\$	5,226,013	31766
CAP-390	State Park Maintenance/Facility Development	\$	1,484,882	31767
CAP-716	Muskingum River Parkway Locks	\$	7,116	31768
CAP-815	Mary Jane Thurston State Park	\$	2,200	31769
CAP-825	Marblehead Lighthouse State Park	\$	564	31770
CAP-829	Sycamore State Park	\$	500	31771
CAP-836	State Park Renovations/Upgrading	\$	709,026	31772
CAP-851	Cleveland Lakefront	\$	146,371	31773
CAP-916	Lake Milton State Park	\$	5,882	31774
CAP-949	Muskingum Lock #3	\$	3,700	31775
CAP-954	Muskingum Lock #4	\$	93,942	31776
Total Division of Parks and Recreation		\$	9,859,723	31777
DIVISION OF SOIL AND WATER CONSERVATION				31778
CAP-086	Scippo Creek Conservation	\$	75,000	31779
Total Division of Soil and Water Conservation		\$	75,000	31780
DIVISION OF WATER				31781
CAP-705	Rehabilitate Canals, Hydraulic Works,	\$	2,867,787	31782

	and Support Facilities			
CAP-730	Miami and Erie Canal	\$	700	31783
CAP-819	Rehabilitate/Automate - Ohio Ground	\$	68,383	31784
	Water Observation Well Network			
CAP-820	Automated Stream, Lake, and Ground Water	\$	509,396	31785
	Data Collection			
CAP-828	Ohio and Erie Canal Rehabilitation	\$	205,572	31786
CAP-848	Hazardous Dam Repair - Statewide	\$	220,000	31787
	Total Division of Water	\$	3,871,838	31788
	TOTAL Department of Natural Resources	\$	47,894,047	31789
	TOTAL OHIO PARKS AND NATURAL RESOURCES FUND	\$	47,894,047	31790

Section 245.20. MOSQUITO LAKE STATE PARK 31792

The amount reappropriated for the foregoing appropriation 31793
item CAP-089, Mosquito Lake State Park, is the unencumbered and 31794
unallotted balance, as of June 30, 2006, in appropriation item 31795
CAP-089, Mosquito Lake State Park, plus \$25,000 of the 31796
unencumbered and unallotted balance, as of June 30, 2006, in 31797
appropriation item CAP-063, Robins Theatre Renovations, in the 31798
Cultural and Sports Facilities Building Fund (Fund 030). 31799

Of the foregoing appropriation item CAP-089, Mosquito Lake 31800
State Park, up to \$25,000 shall be used to conduct a state park 31801
lodge feasibility study. 31802

LOCAL PARKS PROJECTS - STATEWIDE 31803

The amount reappropriated for the foregoing appropriation 31804
item CAP-748, Local Parks Projects - Statewide, is \$1,573,564 plus 31805
the unencumbered and unallotted balance as of June 30, 2006, in 31806
item CAP-748, Local Parks Projects - Statewide, plus the 31807
unencumbered and unallotted balance as of June 30, 2006, in item 31808
CAP-862, Goll Wood Homestead in the Cultural and Sports Facilities 31809
Building Fund (Fund 030). The \$1,573,564 represents amounts that 31810
were previously appropriated, allocated to counties pursuant to 31811

division (D) of section 1557.06 of the Revised Code, and 31812
encumbered for local project grants. The encumbrances for these 31813
local projects in the various counties shall be canceled by the 31814
Director of Natural Resources or the Director of Budget and 31815
Management. The Director of Natural Resources shall allocate the 31816
\$1,573,564 to the same counties the moneys were originally 31817
allocated to, in the amount of the canceled encumbrances. 31818

GOLL WOOD HOMESTEAD 31819

Of the foregoing appropriation item CAP-748, Local Parks 31820
Projects - Statewide, \$50,000 shall be used for the Goll Wood 31821
Homestead. 31822

DAM REHABILITATION 31823

Of the foregoing appropriation item CAP-881, Dam 31824
Rehabilitation, up to \$970,000 shall be used to rehabilitate the 31825
Muskingum River Locks and Dams. 31826

Section 245.30. For the projects appropriated in Section 31827
245.10 of this act, the Ohio Department of Natural Resources shall 31828
periodically prepare and submit to the Director of Budget and 31829
Management the estimated design, planning, and engineering costs 31830
of capital-related work to be done by the Department of Natural 31831
Resources for each project. Based on the estimates, the Director 31832
of Budget and Management may release appropriations from the 31833
foregoing appropriation item CAP-753, Project Planning, within the 31834
Ohio Parks and Natural Resources Fund (Fund 031) to pay for 31835
design, planning, and engineering costs incurred by the Department 31836
of Natural Resources for such projects. Upon release of the 31837
appropriations by the Director of Budget and Management, the 31838
Department of Natural Resources shall pay for these expenses from 31839
Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks 31840
and Natural Resources Fund (Fund 031) using an intrastate voucher. 31841

Section 247.10. All items set forth in this section are 31842
hereby appropriated out of any moneys in the state treasury to the 31843
credit of the School Building Program Assistance Fund (Fund 032) 31844
that are not otherwise appropriated: 31845

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 31846

CAP-770	School Building Program Assistance	\$	183,784,236	31847
CAP-779	Exceptional Needs	\$	5,846,594	31848
CAP-785	Vocation Facilities Assistance Program	\$	574,722	31849
Total School Facilities Commission				\$ 190,205,552 31850
TOTAL School Building Program Assistance Fund				\$ 190,205,552 31851

Section 249.10. All items set forth in Sections 249.20 to 31853
249.40 of this act are hereby appropriated out of any moneys in 31854
the state treasury to the credit of the Mental Health Facilities 31855
Improvement Fund (Fund 033) that are not otherwise appropriated: 31856

Reappropriations

Section 249.20. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 31857
SERVICES 31858

CAP-002	Community Assistance Projects	\$	3,088,902	31859
Total Department of Alcohol and Drug Addiction				31860
Services				\$ 3,088,902 31861

COMMUNITY ASSISTANCE PROJECTS 31862

Of the foregoing appropriation item CAP-002, Community 31863
Assistance Projects, \$207,624 shall be used to continue 31864
renovations for the Oak House Women's Residential Treatment 31865
Facility. 31866

Reappropriations

Section 249.30. DMH DEPARTMENT OF MENTAL HEALTH 31867
STATEWIDE AND CENTRAL OFFICE PROJECTS 31868

CAP-092	Hazardous Materials Abatement	\$	382,281	31869
CAP-479	Community Assistance Projects	\$	4,726,308	31870
CAP-906	Campus Consolidation - Automation	\$	2,668,974	31871
CAP-943	Dietary Delivery Systems	\$	6,534	31872
CAP-946	Demolition	\$	263,542	31873
CAP-976	Life Safety/Critical Plant Renovations	\$	69,354	31874
CAP-977	Patient Care/Environment Improvement	\$	1,605,463	31875
CAP-978	Infrastructure Renovations	\$	7,444,890	31876
CAP-981	Emergency Improvements	\$	2,843,566	31877
CAP-984	Patient Environment Improvement	\$	176,853	31878
	Consolidation			
Total Department of Mental Health		\$	20,187,765	31879

Reappropriations

Section 249.40.	DMR DEPARTMENT OF MENTAL RETARDATION AND			31881
	DEVELOPMENTAL DISABILITIES			31882
	STATEWIDE PROJECTS			31883
CAP-001	Asbestos Abatement	\$	1,026,917	31884
CAP-480	Community Assistance Projects	\$	13,020,936	31885
CAP-901	Razing of Buildings	\$	80,013	31886
CAP-912	Telecommunications Systems Improvement	\$	9,454	31887
CAP-941	Emergency Generator Replacement	\$	140,580	31888
CAP-955	Statewide Developmental Centers	\$	1,985,066	31889
CAP-981	Emergency Improvements	\$	231,846	31890
Total Statewide and Central Office Projects		\$	16,494,812	31891

STATEWIDE DEVELOPMENTAL CENTERS 31892

The amount reappropriated for the foregoing appropriation 31893
item CAP-955, Statewide Developmental Centers, is the unencumbered 31894
and unallotted balance as of June 30, 2006, plus the sum of the 31895
unencumbered and unallotted balances for appropriation item 31896
CAP-791, Jonathan Hall Renovation; CAP-795, Ruby Hall Renovation; 31897
and CAP-940, Sewage Treatment Plant Renovation as of June 30, 31898

2006.				31899
	COMMUNITY ASSISTANCE PROJECTS			31900
	The foregoing appropriation item CAP-480, Community			31901
	Assistance Projects, may be used to provide community assistance			31902
	funds for the construction or renovation of facilities for day			31903
	programs or residential programs that provide services to persons			31904
	eligible for services from the Department of Mental Retardation			31905
	and Developmental Disabilities or county boards of mental			31906
	retardation and developmental disabilities. Any funds provided to			31907
	nonprofit agencies for the construction or renovation of			31908
	facilities for persons eligible for services from the Department			31909
	of Mental Retardation and Developmental Disabilities and county			31910
	boards of mental retardation and developmental disabilities are			31911
	subject to the prevailing wage provisions in section 176.05 of the			31912
	Revised Code.			31913
	STATEWIDE DEVELOPMENTAL CENTERS			31914
	CAMBRIDGE DEVELOPMENTAL CENTER			31915
CAP-711	Residential Renovations - CAMDC	\$	41,981	31916
CAP-910	HVAC Renovations - Residential Buildings	\$	1,000	31917
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$	3,538	31918
CAP-969	Utility Upgrade Centerwide		5,960	31919
Total Cambridge Developmental Center		\$	52,479	31920
	COLUMBUS DEVELOPMENTAL CENTER			31921
CAP-852	Fire Alarm System Improvements	\$	5,500	31922
CAP-958	Columbus Developmental Center	\$	11,794	31923
Total Columbus Developmental Center		\$	17,294	31924
	GALLIPOLIS DEVELOPMENTAL CENTER			31925
CAP-723	HVAC Replacements	\$	12,615	31926
CAP-959	Gallipolis Developmental Center	\$	35,244	31927
Total Gallipolis Developmental Center		\$	47,859	31928
	MONTGOMERY DEVELOPMENTAL CENTER			31929
CAP-960	Montgomery Developmental Center	\$	2,159	31930

Total Montgomery Developmental Center	\$	2,159	31931
MOUNT VERNON DEVELOPMENTAL CENTER			31932
CAP-080 Renovate Main Kitchen - Rian Hall	\$	19,210	31933
CAP-962 Mount Vernon Developmental Center	\$	481,912	31934
Total Mount Vernon Developmental Center	\$	501,122	31935
NORTHWEST OHIO DEVELOPMENTAL CENTER			31936
CAP-947 Replace Chiller	\$	8,535	31937
CAP-963 Northwest Ohio Developmental Center	\$	79,096	31938
Total Northwest Ohio Developmental Center	\$	87,631	31939
SOUTHWEST OHIO DEVELOPMENTAL CENTER			31940
CAP-863 Residential Renovation - HVAC Upgrade	\$	139,189	31941
CAP-964 Southwest Ohio Developmental Center	\$	78,983	31942
CAP-976 Renovation Program and Support Services Building	\$	3,900	31943
Total Southwest Ohio Developmental Center	\$	222,072	31944
TIFFIN DEVELOPMENTAL CENTER			31945
CAP-931 Roof and Exterior Renovations	\$	19,666	31946
CAP-966 Tiffin Developmental Center	\$	27,175	31947
Total Tiffin Developmental Center	\$	46,841	31948
WARRENSVILLE DEVELOPMENTAL CENTER			31949
CAP-867 Residential Renovations - WDC	\$	5,057	31950
CAP-900 Water Line Replacement - WDC	\$	16,267	31951
CAP-936 HVAC Renovations	\$	4,873	31952
CAP-950 ADA Compliance - WDC	\$	3,628	31953
CAP-967 Warrensville Developmental Center	\$	48,032	31954
Total Warrensville Developmental Center	\$	77,857	31955
YOUNGSTOWN DEVELOPMENTAL CENTER			31956
CAP-968 Youngstown Developmental Center	\$	69,681	31957
Total Youngstown Developmental Center	\$	69,681	31958
TOTAL Department of Mental Retardation and Developmental Disabilities	\$	17,619,807	31959
TOTAL Mental Health Facilities Improvement Fund	\$	40,896,474	31961

Section 249.50. The foregoing appropriations for the 31963
Department of Alcohol and Drug Addiction Services, CAP-002, 31964
Community Assistance Projects; Department of Mental Health, 31965
CAP-479, Community Assistance Projects; and Department of Mental 31966
Retardation and Developmental Disabilities, CAP-480, Community 31967
Assistance Projects, may be used on facilities constructed or to 31968
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 31969
5126. of the Revised Code or the authority granted by section 31970
154.20 of the Revised Code and the rules adopted pursuant to those 31971
chapters and that section and shall be distributed by the 31972
Department of Alcohol and Drug Addiction Services, the Department 31973
of Mental Health, and the Department of Mental Retardation and 31974
Developmental Disabilities, subject to Controlling Board approval. 31975

Section 249.60. (A) No capital improvement appropriations 31976
made in Sections 249.20 to 249.40 of this act shall be released 31977
for planning or for improvement, renovation, or construction or 31978
acquisition of capital facilities if a governmental agency, as 31979
defined in section 154.01 of the Revised Code, does not own the 31980
real property that constitutes the capital facilities or on which 31981
the capital facilities are or will be located. This restriction 31982
does not apply in any of the following circumstances: 31983

(1) The governmental agency has a long-term (at least fifteen 31984
years) lease of, or other interest (such as an easement) in, the 31985
real property. 31986

(2) In the case of an appropriation for capital facilities 31987
that, because of their unique nature or location, will be owned or 31988
be part of facilities owned by a separate nonprofit organization 31989
and made available to the governmental agency for its use, the 31990
nonprofit organization either owns or has a long-term (at least 31991
fifteen years) lease of the real property or other capital 31992

facility to be improved, renovated, constructed, or acquired and 31993
has entered into a joint or cooperative use agreement, approved by 31994
the Department of Mental Health, Department of Mental Retardation 31995
and Developmental Disabilities, or Department of Alcohol and Drug 31996
Addiction Services, whichever is applicable, with the governmental 31997
agency for that agency's use of and right to use the capital 31998
facilities to be financed and, if applicable, improved, the value 31999
of such use or right to use being, as determined by the parties, 32000
reasonably related to the amount of the appropriation. 32001

(B) In the case of capital facilities referred to in division 32002
(A)(2) of this section, the joint or cooperative use agreement 32003
shall include, as a minimum, provisions that: 32004

(1) Specify the extent and nature of that joint or 32005
cooperative use, extending for no fewer than fifteen years, with 32006
the value of such use or right to use to be, as determined by the 32007
parties and approved by the applicable department, reasonably 32008
related to the amount of the appropriation; 32009

(2) Provide for pro rata reimbursement to the state should 32010
the arrangement for joint or cooperative use by a governmental 32011
agency be terminated; 32012

(3) Provide that procedures to be followed during the capital 32013
improvement process will comply with appropriate applicable state 32014
statutes and rules, including provisions of this act. 32015

Section 251.10. All items set forth in Sections 251.20 to 32016
256.80 of this act are hereby appropriated out of any moneys in 32017
the state treasury to the credit of the Higher Education 32018
Improvement Fund (Fund 034) that are not otherwise appropriated: 32019

Reappropriations

Section 251.20. ETC ETECH OHIO 32020
CAP-001 Educational Television and Radio \$ 1,889,477 32021

	Equipment			
CAP-002	Educational Broadcasting Fiber Optic Network	\$	51,748	32022
Total eTech Ohio		\$	1,941,225	32023

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT 32024

The foregoing appropriation item CAP-001, Educational Television and Radio Equipment, shall be used to provide broadcasting, transmission, and production equipment to Ohio public radio and television stations, radio reading services, and the eTech Ohio Commission. 32025
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EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK 32030

The foregoing appropriation item CAP-002, Educational Broadcasting Fiber Optic Network, shall be used to link the Ohio public radio and television stations, radio reading services, and the Educational Telecommunications Network for the reception and transmission of digital communications through fiber optic cable or other technology. 32031
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Reappropriations

Section 251.30. BOR BOARD OF REGENTS 32037

CAP-029	Ohio Library And Information Network	\$	3,500,000	32038
CAP-030	Supercomputer Center Expansion	\$	228,599	32039
CAP-032	Research Facility Investment	\$	2,401,427	32040
	Loans/Grants			
CAP-061	Central State Rehabilitation	\$	207,012	32041
CAP-068	Third Frontier Project	\$	50,000,001	32042
CAP-071	Center for Transitional and Applied Genomics	\$	500,000	32043
CAP-072	Cleveland Clinic Heart Center Infrastructure	\$	5,000,000	32044
CAP-073	Technology Incubator for Market-Ready Applications	\$	2,000,000	32045

CAP-077	Center For Structural Biology	\$	1,000,000	32046
CAP-078	One Cleveland Broadband Network	\$	500,000	32047
CAP-079	Central Ohio Technology Corridor - Dublin	\$	500,000	32048
CAP-080	OSU Supercomputer Center Aerospace	\$	50,000	32049
CAP-081	Youngstown Market Ready Incubator	\$	750,000	32050
Total Board of Regents		\$	66,637,039	32051

Section 251.40. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 32053
32054

The foregoing appropriation item CAP-032, Research Facility 32055
Investment Loans/Grants, shall be used for a program of grants to 32056
be administered by the Board of Regents to provide timely 32057
availability of capital facilities for research programs and 32058
research-oriented instructional programs at or involving 32059
state-supported and state-assisted institutions of higher 32060
education. 32061

The Board of Regents shall adopt rules under Chapter 119. of 32062
the Revised Code relative to the application for and approval of 32063
projects funded from appropriation item CAP-032, Research Facility 32064
Investment Loans/Grants. The rules shall be reviewed and approved 32065
by the Legislative Committee on Education Oversight. The Board of 32066
Regents shall inform the President of the Senate and the Speaker 32067
of the House of Representatives of each project application for 32068
funding received. Each project receiving a commitment for funding 32069
by the Board of Regents under the rules shall be reported to the 32070
President of the Senate and the Speaker of the House of 32071
Representatives. 32072

Section 251.50. REPAYMENT OF RESEARCH FACILITY INVESTMENT 32073
LOANS/GRANTS MONEYS 32074

Notwithstanding any provision of law to the contrary, all 32075

repayments of Research Facility Investment Loans/Grants loans 32076
shall be made to the Bond Service Account in the Higher Education 32077
Bond Service Trust Fund. 32078

Institutions of higher education shall make timely repayments 32079
of Research Facility Investment Loans/Grants loans, according to 32080
the schedule established by the Board of Regents. In the case of 32081
late payments, the Board of Regents may deduct from an 32082
institution's periodic subsidy distribution an amount equal to the 32083
amount of the overdue payment for that institution, transfer such 32084
amount to the Bond Service Trust Fund, and credit the appropriate 32085
institution for the repayment. 32086

Section 251.60. THIRD FRONTIER PROJECT 32087

The foregoing appropriation item CAP-068, Third Frontier 32088
Project, shall be used to acquire, renovate, or construct 32089
facilities and purchase equipment for research programs, 32090
technology development, product development, and commercialization 32091
programs at or involving state-supported and state-assisted 32092
institutions of higher education. The funds shall be used to make 32093
grants awarded on a competitive basis, and shall be administered 32094
by the Third Frontier Commission. Expenditure of these funds shall 32095
comply with Section 2n of Article VIII, Ohio Constitution, and 32096
sections 151.01 and 151.04 of the Revised Code for the period 32097
beginning July 1, 2006, and ending June 30, 2008. 32098

The Third Frontier Commission shall develop guidelines 32099
relative to the application for and selection of projects funded 32100
from appropriation item CAP-068, Third Frontier Project. The 32101
commission may develop these guidelines in consultation with other 32102
interested parties. The Board of Regents and all state-assisted 32103
and state-supported institutions of higher education shall take 32104
all actions necessary to implement grants awarded by the Third 32105
Frontier Commission. 32106

The foregoing appropriation item CAP-068, Third Frontier Project, for which an appropriation is made from the Higher Education Improvement Fund (Fund 034), is determined to consist of capital improvements and capital facilities for state-supported and state-assisted institutions of higher education, and is designated for the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund (Fund 034) are to be applied.

Section 251.80. REIMBURSEMENT FOR PROJECT COSTS

Appropriations made in Sections 251.30 to 256.80 of this act for purposes of the costs of capital facilities', the interim financing of which the particular institution has previously issued its own obligations anticipating the possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation and shall be timely applied to the retirement of a like principal amount of the institution's obligations.

Appropriations made in Sections 251.30 to 256.80 of this act for purposes of the costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which expenditures were reasonably expected at the time of the advance by the institution and the state to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments and shall be timely applied to the reimbursement of those temporarily available moneys. All reimbursements are subject to review and approval through the capital release process.

Reappropriations

Section 251.90. UAK UNIVERSITY OF AKRON			32138
CAP-008	Basic Renovations	\$ 4,512,104	32139
CAP-047	Polsky Building Renovation	\$ 1,421,625	32140
CAP-049	Basic Renovations - Wayne	\$ 313,880	32141
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 9,697,799	32142
CAP-061	Asbestos Abatement	\$ 47,861	32143
CAP-063	Child Care Facility	\$ 4,428	32144
CAP-076	Supercritical Fluid Technology	\$ 30,251	32145
CAP-077	Leigh Hall Rehabilitation	\$ 766,457	32146
CAP-087	Global PVC Research Consortium	\$ 7,144	32147
CAP-091	Student Affairs Building	\$ 53,082	32148
CAP-097	Ohio NMR Consortium	\$ 96,500	32149
CAP-098	Guzzetta Hall Addition	\$ 77,848	32150
CAP-099	D Wing Expansion	\$ 243,750	32151
CAP-100	Classroom Office Addition - Design	\$ 120,120	32152
CAP-101	National Polymer Processing Center	\$ 1,000,000	32153
CAP-104	Nanoscale Polymers Manufacturing	\$ 124,366	32154
CAP-111	500 MHz NMR Spectrometer	\$ 117,444	32155
CAP-113	Student & Administrative Services Building - Phase 2	\$ 362,196	32156
CAP-114	Facility Enhancement Building H - Phase 2	\$ 628,277	32157
CAP-115	Medina County University Center	\$ 1,000,000	32158
CAP-116	Fir Hill Plaza Renovations	\$ 1,249,743	32159
CAP-117	Shrank Hall Renovation	\$ 1,342,414	32160
Total University of Akron		\$ 23,217,289	32161

Reappropriations

Section 252.10. BGU BOWLING GREEN STATE UNIVERSITY			32163
CAP-009	Basic Renovations	\$ 7,386,239	32164
CAP-060	Basic Renovations - Firelands	\$ 459,399	32165

CAP-074	Instructional and Data Processing Equipment	\$	1,426,543	32166
CAP-078	Asbestos Abatement	\$	1,584	32167
CAP-088	ADA Modifications	\$	19,544	32168
CAP-091	Child Care Facility	\$	49,406	32169
CAP-094	Materials Network	\$	90,981	32170
CAP-102	Network Infrastructure - Phase 1	\$	244,131	32171
CAP-108	Tunnel Upgrade - Phase 2	\$	98,820	32172
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522	32173
CAP-112	Biology Lab Renovation	\$	12,533,708	32174
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700	32175
CAP-114	Student Learning	\$	13,149	32176
CAP-115	Video Teaching Network	\$	5,436	32177
CAP-118	Kinetic Spectrometry Consortium	\$	77,671	32178
CAP-119	Admissions Visitor Center	\$	3,000,000	32179
CAP-120	Theatre/Performing Arts Complex	\$	8,750,000	32180
CAP-121	University Hall Rehabilitation	\$	1,174,981	32181
CAP-124	Administration Building Fire Alarm System	\$	83,986	32182
CAP-125	Campus-Wide Carpet Upgrade	\$	329,700	32183
CAP-126	Reroof East, West, and North Buildings	\$	600,000	32184
CAP-127	Instructional Laboratory - Phase 1	\$	123,735	32185
CAP-128	Perrysburg Heights Multipurpose Facility	\$	500,000	32186
CAP-129	Wood County Senior Kitchen Project	\$	500,000	32187
Total Bowling Green State University		\$	39,827,235	32188

BASIC RENOVATIONS 32189

The amount reappropriated for the foregoing appropriation 32190
item CAP-009, Basic Renovations, is the sum of the unencumbered 32191
and unallotted balances as of June 30, 2006, in appropriation 32192
items CAP-009, Basic Renovations; CAP-093, Pedestrian Mall 32193
Project; CAP-104, Jerome Library Renovations; CAP-105, 32194
Administration Building Elevators; and CAP-117, Administration 32195

Building Chiller. 32196

Reappropriations

Section 252.20. CSU CENTRAL STATE UNIVERSITY 32197

CAP-022	Basic Renovations	\$	676,223	32198
CAP-068	Instructional and Data Processing Replacement	\$	85,065	32199
CAP-084	Academic Facility - Phase 1	\$	3,791,729	32200
Total Central State University		\$	4,553,017	32201

Reappropriations

Section 252.30. UCN UNIVERSITY OF CINCINNATI 32203

CAP-009	Basic Renovations	\$	512,716	32204
CAP-018	Basic Renovations - Clermont	\$	298,701	32205
CAP-054	Raymond Walters Renovations	\$	428,426	32206
CAP-119	Instructional & Data Processing Equipment	\$	12,537	32207
CAP-122	Infrastructure Assessment	\$	2,518	32208
CAP-128	Science and Allied Health Building - Walters	\$	118,748	32209
CAP-131	Convention Center	\$	2,500,000	32210
CAP-137	MSB Otolaryngology	\$	1,228	32211
CAP-141	ADA Modifications	\$	49,860	32212
CAP-142	ADA Modifications - Clermont	\$	6,039	32213
CAP-158	Molecular Components/Simulation Network	\$	16,817	32214
CAP-171	Asbestos - Rieveschl Hall	\$	107,550	32215
CAP-173	Surface Engineering	\$	24,503	32216
CAP-174	Classroom/Teaching Lab Renovations	\$	89,236	32217
CAP-176	Network Expansion	\$	19,000	32218
CAP-180	Rapid Prototype Process	\$	41,626	32219
CAP-187	MSB Small Group Learning Spaces	\$	1,125	32220
CAP-193	Nano Particles	\$	1,103	32221
CAP-194	Transgenic Core Capacity	\$	1,633	32222
CAP-195	Thin Film Analysis	\$	110,452	32223

CAP-196	Electronic Reconstruction	\$	1,784	32224
CAP-197	Med Center Technology	\$	1,546	32225
CAP-198	TC/Dyer Rehabilitation - Phase 1A	\$	8,532	32226
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919	32227
CAP-205	Medical Science Building Rehabilitation	\$	3,626,342	32228
CAP-206	One Stop Services Center	\$	97,535	32229
CAP-207	Central Campus Infrastructure	\$	287,593	32230
CAP-208	Security System Upgrade	\$	50,000	32231
CAP-209	Library Renovations	\$	800,500	32232
CAP-218	Creation of a P3 Facility	\$	500	32233
CAP-223	Teachers College/Dyer Hall Rehabilitation - Phase 2	\$	986,560	32234
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	25,425	32235
CAP-226	Holocaust Archives	\$	47,580	32236
CAP-237	Biomedical Engineering	\$	17,145	32237
CAP-250	Student Services	\$	111,750	32238
CAP-262	Central Campus Renovations	\$	8,442	32239
CAP-263	Swift Rehabilitation	\$	9,667	32240
CAP-264	McMicken Window Replacement	\$	66,882	32241
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	720,764	32242
CAP-268	800 MHz Radio System	\$	15,000	32243
CAP-270	CAS HVAC Upgrades	\$	4,005	32244
CAP-273	Help Phones	\$	43,754	32245
CAP-278	Structural Biology	\$	59,533	32246
CAP-279	Developmental Neurobiology	\$	500,000	32247
CAP-286	CAS Fire Alarm Upgrade	\$	35,273	32248
CAP-287	Classroom Security System	\$	39,827	32249
CAP-290	Mainframe Computing Alliance	\$	16,351	32250
CAP-291	Proteomics in the Post Genome Era	\$	30,860	32251
CAP-292	Nanoscale Hybrid Materials	\$	79,677	32252
CAP-293	Accelerated Maturation of Materials	\$	632	32253
CAP-304	GRi Building F240 Renovation	\$	5,393	32254

CAP-305	Peters-Jones Building Restroom Upgrade	\$	1,943	32255
CAP-311	Gas Turbine Spray Combustion	\$	150,000	32256
CAP-314	Bridging the Skills Gap	\$	593,912	32257
CAP-317	Gibson House Fire Alarm	\$	16,041	32258
CAP-318	MSb Interim-FM Relocation	\$	14,673	32259
CAP-319	Elevator Cylinder Replacements	\$	36,725	32260
CAP-320	HPB G58 - Network Office Renovation	\$	2,414	32261
CAP-327	Electronic Systems Emulation	\$	60,000	32262
CAP-329	Uptown Consortium Renovations/Turner plc	\$	250,000	32263
CAP-330	Blegen Windows	\$	72,778	32264
CAP-331	West Campus GFCI Lab Upgrades	\$	8,125	32265
CAP-332	Blegen ADA Upgrade	\$	9,973	32266
CAP-334	Lindner Fire Alarm Upgrade	\$	279,138	32267
CAP-335	People Working Cooperatively	\$	100,000	32268
CAP-336	Advanced Oxidation Technologies	\$	62,262	32269
CAP-337	CAS Electrical Upgrades	\$	36,821	32270
CAP-338	Live Tissue Imaging	\$	77,319	32271
CAP-340	Lean Product Development	\$	1,000,000	32272
CAP-341	Clermont Snyder Masonry Restoration	\$	3,950	32273
CAP-345	Proctor Elevator Improvements	\$	279,388	32274
Total University of Cincinnati		\$	15,104,051	32275

BASIC RENOVATIONS 32276

The amount reappropriated for the foregoing appropriation 32277
item CAP-009, Basic Renovations, is the sum of the unencumbered 32278
and unallotted balances as of June 30, 2006, in appropriation 32279
items CAP-009, Basic Renovations; CAP-276, Health Professionals 32280
Building G44E Renovation; CAP-289, Medical Science Building Data 32281
Electronic RM Walls; CAP-296, Rieveschl HVAC & Safety Upgrades; 32282
CAP-322, Condensate Pump/Reheat; and CAP-323, Old Chemistry Window 32283
Replacement. 32284

ADA MODIFICATIONS 32285

The amount reappropriated for the foregoing appropriation 32286

item CAP-141, ADA Modifications, is the sum of the unencumbered 32287
and unallotted balances as of June 30, 2006, in appropriation 32288
items CAP-141, ADA Modifications and CAP-307, Lindner ADA 32289
Upgrades. 32290

CLASSROOM/TEACHING LAB RENOVATIONS 32291

The amount reappropriated for the foregoing appropriation 32292
item CAP-174, Classroom/Teaching Lab Renovations, is the sum of 32293
the unencumbered and unallotted balances as of June 30, 2006, in 32294
appropriation items CAP-174, Classroom/Teaching Lab Renovations; 32295
CAP-201, WC Faculty Media Center; and CAP-228, Medical Science 32296
Building Level G, 1 & 2 Lab Upgrades. 32297

CRITICAL BUILDING COMPONENT RENOVATIONS 32298

The amount reappropriated for the foregoing appropriation 32299
item CAP-177, Critical Building Component Renovations, is the sum 32300
of the unencumbered and unallotted balances as of June 30, 2006, 32301
in appropriation items CAP-177, Critical Building Component 32302
Renovations; CAP-188, HPB/Wherry Service Entrances; and CAP-202, 32303
Baldwin Hall Rehabilitation - Phase 1. 32304

ONE STOP SERVICES CENTER 32305

The amount reappropriated for the foregoing appropriation 32306
item CAP-206, One Stop Services Center, is the sum of the 32307
unencumbered and unallotted balances as of June 30, 2006, in 32308
appropriation items CAP-206, One Stop Services Center, plus 32309
\$102,568. 32310

Reappropriations

Section 252.40. CLS CLEVELAND STATE UNIVERSITY			32311
CAP-023	Basic Renovations	\$ 5,058,958	32312
CAP-067	17th - 18th Street Block	\$ 222,280	32313
CAP-084	Neighborhood Centers Renovations	\$ 500,000	32314
CAP-088	Asbestos Abatement	\$ 870,077	32315

CAP-092	Handicapped Requirements	\$	572	32316
CAP-112	Land Acquisitions	\$	9,264	32317
CAP-114	Geographic Information Systems	\$	41,067	32318
CAP-125	College of Education Building	\$	17,235,047	32319
CAP-126	Electrical System Upgrades - Phase 2	\$	773,658	32320
CAP-127	Fire Alarm System Upgrade	\$	400,000	32321
CAP-128	Property Acquisition	\$	1,120,237	32322
CAP-138	Student Services	\$	59,333	32323
CAP-139	Landscape, Sidewalk Replacement	\$	5,845	32324
CAP-142	Rhodes Tower Library Roof Replacement	\$	178,169	32325
CAP-144	Rhodes Tower Plaza Renovation - Phase 2	\$	690	32326
CAP-148	Cleveland Institute of Art	\$	1,000,000	32327
CAP-150	Campus Fire Alarm Upgrade	\$	762,085	32328
CAP-151	Plant Growth Facility	\$	60,000	32329
CAP-152	Rhodes Tower Data Center Relocation	\$	920,131	32330
CAP-153	University Annex-Vacate and Demolition	\$	49,390	32331
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	32332
CAP-157	Child Care Matching Grant	\$	221,987	32333
CAP-158	Utility Upgrade Southwest Campus	\$	473,931	32334
Total Cleveland State University		\$	31,462,721	32335

NEIGHBORHOOD CENTERS RENOVATIONS 32336

The amount reappropriated for the foregoing appropriation 32337
item CAP-084, Neighborhood Centers Renovations, is the total of 32338
the unencumbered and unallotted balances, of as June 30, 2006, in 32339
appropriations items CAP-856, Friendly Inn Settlement House 32340
Historic Site, and CAP-857, Merrick House Historic Site, in the 32341
Cultural and Sports Facilities Building Fund (Fund 030). 32342

Of the foregoing appropriation item CAP-084, Neighborhood 32343
Centers Renovations, \$250,000 shall be used for renovations to the 32344
Friendly Inn Settlement House and \$250,000 shall be used for 32345
renovations to the Merrick House. 32346

CLEVELAND INSTITUTE OF ART 32347

The amount reappropriated for the foregoing appropriation 32348
 item CAP-148, Cleveland Institute of Art, is the unencumbered and 32349
 unallotted balance, as of June 30, 2006, in appropriation item 32350
 CAP-069, Cleveland Institute of Art, in the Cultural and Sports 32351
 Facilities Building Fund (Fund 030). 32352

Reappropriations

Section 252.50. KSU KENT STATE UNIVERSITY			32353
CAP-022	Basic Renovations	\$ 4,092,258	32354
CAP-098	Trumbull Branch Addition	\$ 13,972	32355
CAP-105	Basic Renovations - East Liverpool	\$ 234,847	32356
CAP-106	Basic Renovations - Geauga	\$ 45,607	32357
CAP-107	Basic Renovations - Salem	\$ 126,662	32358
CAP-108	Basic Renovations - Stark	\$ 325,358	32359
CAP-110	Basic Renovations - Ashtabula	\$ 426,827	32360
CAP-111	Basic Renovations - Trumbull	\$ 613,808	32361
CAP-112	Basic Renovations - Tuscarawas	\$ 171,699	32362
CAP-122	Faculty Office Addition - Salem	\$ 12,072	32363
CAP-126	HVAC Renovations - Ashtabula	\$ 5,545	32364
CAP-128	Roof Renovations - Ashtabula	\$ 1,435	32365
CAP-137	LCI/Materials Science Building	\$ 6,025	32366
CAP-140	Road Improvements - Trumbull	\$ 12,282	32367
CAP-143	Liquid Crystals	\$ 114,319	32368
CAP-144	Instruction and Data Processing Equipment	\$ 1,994,905	32369
CAP-154	Separation Science	\$ 1,497	32370
CAP-156	Boiler Plant Controls and Building Alterations	\$ 6,738	32371
CAP-159	Electrical Substation/Fiber Optic Network	\$ 6,526	32372
CAP-162	Science and Technology Building - Trumbull	\$ 125,374	32373
CAP-164	ADA Modifications - Ashtabula	\$ 6,772	32374

CAP-167	ADA Modifications - Salem	\$	5,312	32375
CAP-173	Child Care Facility	\$	18,650	32376
CAP-176	Midway Drive Utilities Tunnel - II	\$	1,522	32377
CAP-184	Distributed Computation/Visualization	\$	33,833	32378
CAP-188	Child Care Funds - East Liverpool	\$	90,000	32379
CAP-189	Child Care Funds - Tuscarawas	\$	19,847	32380
CAP-190	Child Care Funds - Ashtabula	\$	12,500	32381
CAP-194	Child Care - Salem	\$	100,000	32382
CAP-195	Child Care - Geauga	\$	20,666	32383
CAP-196	Technology Improvements - Ashtabula	\$	216,911	32384
CAP-198	Technology Improvements - Salem	\$	5,648	32385
CAP-199	Technology Improvements - Trumbull	\$	69,205	32386
CAP-200	Technology Improvements - Tuscarawas	\$	18,638	32387
CAP-206	Child Care Facility	\$	2,637	32388
CAP-207	Kent Hall Planning and Addition	\$	156,000	32389
CAP-210	Rooftop Air Handler	\$	600	32390
CAP-212	Technology Building and Parking	\$	2,406,053	32391
CAP-220	Campus Steam System Evaluation & Upgrade	\$	58,034	32392
CAP-226	GIS Technology	\$	1,637	32393
CAP-227	3D Microscopy Imaging	\$	81,194	32394
CAP-228	Exterior Site Improvements	\$	2,159	32395
CAP-232	Ohio NMR Consortium	\$	80,800	32396
CAP-233	Environmental Technology Consortium	\$	56,850	32397
CAP-234	Terrace Drive Heating Plant	\$	12,161	32398
	Rehabilitation I			
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	11,887,383	32399
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	21,923	32400
CAP-239	Classroom Building Roof, Copping, Fascia Restoration	\$	581,919	32401
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	1,338	32402

CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	113,456	32403
CAP-246	Tuscarawas Wing C Penthouse Roof Replacement	\$	83,560	32404
CAP-248	Mary Patterson Building Boiler Replacement	\$	3,473	32405
CAP-252	Ohio Organic Semiconductor	\$	73,412	32406
CAP-254	Theoretical Liquid Crystal Physics	\$	500,000	32407
CAP-255	Music & Speech - HVAC/Chiller Replacement	\$	27,264	32408
CAP-256	Stockdale Electrical System Upgrade	\$	814	32409
CAP-258	Business Administration Air Handling Unit and Roof Replacement	\$	8,687	32410
CAP-260	Land Acquisitions & Improvements - East Liverpool	\$	638,419	32411
CAP-261	Addition/Renovation Classrooms - Geauga	\$	246,878	32412
CAP-262	Gym Renovation Planning - Salem	\$	490,213	32413
CAP-265	Science Lab Addition - Trumbull	\$	991,786	32414
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655	32415
CAP-267	Columbiana County Port Authority	\$	13,125	32416
CAP-268	Canton Convention Center	\$	735,000	32417
CAP-269	Blossom Music Center	\$	2,512,500	32418
CAP-270	Geauga Science Laboratories	\$	36,880	32419
Total Kent State University		\$	31,628,070	32420

REHABILITATION OF FRANKLIN HALL 32421

The amount reappropriated for the foregoing appropriation 32422
item CAP-235, Rehabilitation of Franklin Hall - Planning, is the 32423
unencumbered and unallotted balance as of June 30, 2006, 32424
appropriation item CAP-235, Rehabilitation of Franklin Hall - 32425
Planning, plus \$38,917. 32426

Reappropriations

Section 252.60. MUN MIAMI UNIVERSITY			32427
CAP-018	Basic Renovations	\$ 4,616,362	32428
CAP-066	Basic Renovations - Hamilton	\$ 514,779	32429
CAP-069	Basic Renovations - Middletown	\$ 683,071	32430
CAP-081	Cooperative Regional Library Depository SW	\$ 2,546	32431
CAP-083	Campus Avenue Building Renovation	\$ 26,794	32432
CAP-085	Alumni Hall Rehabilitation - Phase I	\$ 972	32433
CAP-088	Hoyt Hall Rehabilitation	\$ 7,339	32434
CAP-089	High Voltage Electric	\$ 351,155	32435
CAP-096	McGuffey Hall Rehabilitation	\$ 52,271	32436
CAP-098	Computer Network Installation	\$ 17,589	32437
CAP-099	King Library Rehabilitation	\$ 1,865	32438
CAP-103	ADA Modifications - Middletown	\$ 2,798	32439
CAP-105	Plant Response/Environmental Stress	\$ 72,641	32440
CAP-109	Molecular Microbial Biology	\$ 67,500	32441
CAP-110	Micromachining Technology	\$ 507,540	32442
CAP-112	Chilled Water Loop Phase I - Hamilton	\$ 5,954	32443
CAP-113	Special Academic/Administrative Projects - Hamilton	\$ 663,199	32444
CAP-115	Special Academic/Administrative Projects - Middletown	\$ 735,287	32445
CAP-121	Southwestern Book Depository	\$ 150,820	32446
CAP-123	Phillips Hall Rehabilitation	\$ 127,297	32447
CAP-127	Campus Steam Distribution - Phase I	\$ 1,820,046	32448
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$ 1,500	32449
CAP-131	Miami University Learning Center	\$ 1,001,515	32450
CAP-132	Mass Spectrum Consortium	\$ 14,590	32451
CAP-143	Warfield Hall Rehabilitation	\$ 61,104	32452
CAP-145	Campus Chilled Water Efficiency	\$ 816,587	32453
CAP-146	Information Technology System Upgrade	\$ 1,363,490	32454
CAP-149	Parrish Auditorium Rehabilitation	\$ 625,000	32455

CAP-155	Protein Solution Structural Analysis	\$	500,000	32456
CAP-156	Terahertz Spectroscopy System	\$	100,000	32457
CAP-157	Presser Hall Rehabilitation	\$	3,015,740	32458
CAP-159	DNA Sequencing	\$	93,552	32459
Total Miami University		\$	18,020,903	32460

BASIC RENOVATIONS 32461

The amount reappropriated for the foregoing appropriation 32462
item CAP-018, Basic Renovations, is the sum of the unencumbered 32463
and unallotted balances as of June 30, 2006, in appropriation 32464
items CAP-018, Basic Renovations; CAP-111, Roubidoux Hall 32465
Rehabilitation; and CAP-117, North Campus Refrigeration/Chilled 32466
Water. 32467

Reappropriations

Section 252.70. OSU OHIO STATE UNIVERSITY 32468

CAP-074	Basic Renovations	\$	19,255,664	32469
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	32470
CAP-198	Brown Hall Annex Replacement	\$	6,213	32471
CAP-254	Basic Renovations - ATI	\$	127,444	32472
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	32473
CAP-256	Supplemental Renovations - Regional	\$	191,955	32474
CAP-258	Dreese Lab Addition	\$	12,340	32475
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	32476
CAP-269	Greenhouse Modernization	\$	40,982	32477
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	32478
CAP-292	Life Sciences Research Building	\$	202,898	32479
CAP-302	Food Science & Technology Building	\$	89,990	32480
CAP-306	Heart & Lung Institute	\$	32,437	32481
CAP-311	Superconducting Radiation	\$	65,094	32482
CAP-313	Brain Tumor Research Center	\$	6,001	32483
CAP-314	Engineering Center Net Shape	\$	20,730	32484

	Manufacturing			
CAP-315	Membrane Protein Typology	\$	8,835	32485
CAP-316	Instructional and Data Processing	\$	198,844	32486
	Equipment			
CAP-321	Fine Particle Technologies	\$	157,936	32487
CAP-323	Advanced Plasma Engineering	\$	22,379	32488
CAP-324	Plasma Ramparts	\$	1,150	32489
CAP-326	IN-SITU AL-BE Composites	\$	1,733	32490
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	32491
CAP-347	Asbestos Abatement	\$	5,325	32492
CAP-349	Materials Network	\$	91,983	32493
CAP-350	Bio-Technology Consortium	\$	42,378	32494
CAP-352	Analytical Electron Microscope	\$	375,000	32495
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	32496
CAP-357	Supplemental Renovations - ATI	\$	33,969	32497
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	32498
CAP-362	McPherson Lab Rehabilitation	\$	10,278	32499
CAP-368	Heart and Lung Institute	\$	101,808	32500
CAP-374	ADA Modifications	\$	178,870	32501
CAP-375	ADA Modifications - ATI	\$	41,936	32502
CAP-376	ADA Modifications - Lima	\$	95,538	32503
CAP-377	ADA Modifications - Mansfield	\$	15,253	32504
CAP-387	Titanium Alloys	\$	54,912	32505
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	32506
CAP-398	Advanced Manufacturing	\$	38,579	32507
CAP-399	Manufacturing Processes/Materials	\$	62,574	32508
CAP-401	Terhertz Studies	\$	35,294	32509
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	32510
CAP-413	Pomerene Lighting/Wiring	\$	249,584	32511
CAP-419	NMR Consortium	\$	75,116	32512
CAP-420	Versatile Film Facility	\$	62,872	32513
CAP-421	OCARNET	\$	5,916	32514

CAP-422	Bioprocessing Research	\$	1,905	32515
CAP-423	Localized Corrosion Research	\$	6,128	32516
CAP-424	ATM Testbed	\$	3,633	32517
CAP-425	Physical Sciences Building	\$	27,748	32518
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	32519
CAP-431	Sisson Hall Replacement	\$	5,571	32520
CAP-436	Machinery Acoustics	\$	3,804	32521
CAP-439	Sensors and Measurements	\$	15,115	32522
CAP-440	Polymer Magnets	\$	1,099	32523
CAP-458	Al Alloy Corrosion	\$	14,292	32524
CAP-484	Page Hall Planning	\$	7,210	32525
CAP-485	Botany & Zoology Building Planning	\$	207,932	32526
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	32527
CAP-487	Robinson Laboratory Planning	\$	149,100	32528
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	32529
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	32530
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	32531
CAP-492	OARDC Feed Mill	\$	5,598,644	32532
CAP-499	Biological Sciences Cooling Tower	\$	6,930	32533
CAP-509	Mount Hall HVAC Modifications	\$	40,982	32534
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	32535
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	32536
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	32537
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	32538
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	32539
CAP-534	Main Library Rehabilitation	\$	9,320,846	32540
CAP-535	Psychology Building	\$	2,128,529	32541

CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	32542
CAP-539	Nanosecond Infrared Measurement	\$	2,588	32543
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	32544
CAP-552	X-Ray Powder Diffractometer	\$	558	32545
CAP-554	Deconvolution Microscope	\$	1,101	32546
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	32547
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	32548
CAP-565	Ion Mass Spectrometry	\$	6,594	32549
CAP-568	Role of Molecular Interfaces	\$	17,554	32550
CAP-572	New Millimeter Spectrometer	\$	714	32551
CAP-574	Noncredit Job Training - Marion	\$	2,933	32552
CAP-576	1224 Kinnear Road - Bale	\$	11,722	32553
CAP-577	Non-Silicon Micromachining	\$	73,991	32554
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	32555
CAP-586	Electroscience Lab Renovation	\$	5,853	32556
CAP-587	OARDC Boiler Replacement	\$	622,757	32557
CAP-590	Supercomputer Center Expansion	\$	6,804,275	32558
CAP-596	Information Literacy	\$	135,574	32559
CAP-597	Online Business Major	\$	5,768	32560
CAP-599	Renovation of Graves Hall	\$	68,196	32561
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	32562
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	32563
CAP-608	Dual Beam Characterization	\$	150,000	32564
CAP-616	Environmental Technology Consortium	\$	11,297	32565
CAP-617	Campbell, University, and Evans Hall	\$	87,439	32566
CAP-620	School of Music - Planning	\$	1,500	32567
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	32568
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	32569
CAP-625	Hazardous Waste Handling/Storage	\$	1,103,062	32570

	Building			
CAP-626	Agriculture/Engineering Building	\$	200,000	32571
	Renovation & Addition			
CAP-628	Wood County Center for Agriculture	\$	1,000,000	32572
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	32573
CAP-631	Health Psychology	\$	250,000	32574
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	32575
CAP-633	Networking and Communication	\$	500,000	32576
CAP-634	Planetary Gear	\$	125,000	32577
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	32578
CAP-636	Precision Navigation	\$	85,000	32579
CAP-637	Welding & Metal Working	\$	200,000	32580
CAP-638	Spin Driven Electronics	\$	6,436	32581
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	32582
CAP-641	Accelerated Metals	\$	1,020,331	32583
CAP-642	Mathematical Biosciences Institute	\$	54,863	32584
CAP-646	Mershon Auditorium HVAC System	\$	2,098	32585
	Improvements			
CAP-647	Molecular Microdevices	\$	14,033	32586
CAP-648	Research Center HVAC System Improvements	\$	17,088	32587
CAP-649	Infrared Absorption Measurements	\$	2,899	32588
CAP-650	Dark Fiber	\$	3,983,440	32589
CAP-651	Shared Data Backup System	\$	20,922	32590
CAP-653	Third Frontier Network Testbed	\$	280,564	32591
CAP-654	Distributed Learning Workshop	\$	270,000	32592
CAP-656	Accelerated Maturation of Materials	\$	209,702	32593
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	32594
CAP-658	Hydrogen Production and Storage	\$	32,396	32595
CAP-659	Ohio Organic Semiconductor	\$	367,587	32596
CAP-663	Comprehensive Cancer - Chiller	\$	42,687	32597
	Replacement			
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	32598
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	32599

CAP-669	McCracken Power Plant Spill Control	\$	268,508	32600
CAP-670	Glacial Assessment	\$	22,764	32601
CAP-672	Chemical Vapor Deposition	\$	13,500	32602
CAP-674	Parks Hall Chiller Replacement	\$	135,360	32603
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	32604
CAP-676	Computational Nanotechnology	\$	500,000	32605
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	32606
CAP-678	Center For Materials Design	\$	1,037	32607
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	32608
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	32609
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	32610
CAP-684	Ohio Commons For Digital Education	\$	118,924	32611
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	32612
CAP-686	NonCredit Job Education & Training	\$	21,104	32613
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	32614
CAP-688	Bricker Hall Roof Replacement	\$	23,123	32615
CAP-694	Neuroscience Center Core	\$	193,991	32616
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	32617
CAP-697	930 Kinnear Road Renovations	\$	773,303	32618
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	32619
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	32620
CAP-700	Coe Corrosion Coop	\$	58,750	32621
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	32622
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	32623
CAP-704	Warner Library and Student Center	\$	1,789,324	32624
CAP-705	Hopewell Hall Science Suite	\$	508,408	32625
CAP-706	Atomic Force Microscopy	\$	180,000	32626
CAP-707	Interactive Applications	\$	463,018	32627
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	32628
CAP-714	Health Psychology	\$	150,000	32629

CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	32630
CAP-717	Center for Materials Design	\$	602,615	32631
CAP-718	Specialized Planetary Gears	\$	150,000	32632
CAP-719	OSU Agricultural Building	\$	1,500,000	32633
CAP-720	Automated Afm System	\$	180,000	32634
CAP-721	Integrated Wireless Communication	\$	141,000	32635
Total Ohio State University		\$	105,955,671	32636

BASIC RENOVATIONS 32637

The amount reappropriated for the foregoing appropriation 32638
 item CAP-074, Basic Renovations, is the sum of the unencumbered 32639
 and unallotted balance as of June 30, 2006, in appropriation item 32640
 CAP-074, Basic Renovations, plus \$6,927. 32641

OARDC THORNE & GOURLEY HALL 32642

The amount reappropriated for the foregoing appropriation 32643
 item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 32644

WOOD COUNTY CENTER FOR AGRICULTURE 32645

Of the foregoing appropriation item CAP-628, Wood County 32646
 Center for Agriculture, up to \$300,000 shall be used for building 32647
 renovations to the OSU Extension Office/Ag Business Enhancement 32648
 Center. 32649

Reappropriations

Section 252.80. OHU OHIO UNIVERSITY 32650

CAP-020	Basic Renovations	\$	3,869,311	32651
CAP-021	Conservancy District Assessment	\$	8,807	32652
CAP-086	Memorial Auditorium Rehabilitation	\$	10,033	32653
CAP-095	Basic Renovations - Eastern	\$	492,525	32654
CAP-099	Basic Renovations - Zanesville	\$	164,438	32655
CAP-113	Basic Renovations - Chillicothe	\$	393,668	32656
CAP-114	Basic Renovations - Ironton	\$	209,359	32657
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$	214,952	32658

CAP-117	Porter Hall Rehabilitation	\$	26,531	32659
CAP-119	Biomedical Research Center	\$	10,120	32660
CAP-120	Ridges Auditorium Rehabilitation	\$	1,177	32661
CAP-136	Gymnasium Development - Eastern	\$	89,067	32662
CAP-141	College of Health and Human Services	\$	8,693	32663
CAP-142	Health Professions Labs - Phase I	\$	66,354	32664
CAP-145	Asbestos Abatement	\$	5,094	32665
CAP-148	RTVC Building Asbestos Abatement	\$	1,037	32666
CAP-152	Gordy Hall Addition and Rehabilitation	\$	940	32667
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$	73,635	32668
CAP-157	ADA Modifications	\$	13,425	32669
CAP-160	ADA Modifications - Ironton	\$	9,113	32670
CAP-161	ADA Modifications - Lancaster	\$	20,345	32671
CAP-164	Southeast Library Warehouse	\$	85,367	32672
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	359,572	32673
CAP-183	Central Classroom Building	\$	36,595	32674
CAP-186	Ellis Hall Partial Renovation	\$	7,080	32675
CAP-189	Conference Center Planning - Lancaster	\$	500,358	32676
CAP-190	Center for Public Policy	\$	29,589	32677
CAP-191	District Water Cooling	\$	17,030	32678
CAP-192	Plant and Microbe Functional Genomics	\$	38,358	32679
	Facilities			
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182	32680
CAP-202	Putnam Hall Rehabilitation	\$	3,507	32681
CAP-206	Human Resources Training Center	\$	1,116	32682
CAP-208	Student Services	\$	15,278	32683
CAP-209	Creativity Through Technology	\$	147,891	32684
CAP-212	Exterior Site Improvement	\$	23,436	32685
CAP-213	Daycare Center	\$	447,950	32686
CAP-214	Science/Fine Arts Renovation - Phase 2	\$	874,713	32687
CAP-215	Land-Use Plan/Future Development	\$	5,100	32688
CAP-219	Mainframe Computing Alliance	\$	10,000	32689
CAP-221	Tunnel 5 Rehabilitation	\$	68,344	32690

CAP-222	Clippinger Lab Planning	\$	112,709	32691
CAP-223	Alden Library Planning	\$	150,000	32692
CAP-224	University Center Replacement	\$	113,900	32693
CAP-225	Lausche Heating Plant	\$	1,580,338	32694
CAP-226	New Grounds Maintenance Building	\$	259,064	32695
CAP-227	Chillicothe Parking & Roadway	\$	480,000	32696
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	32697
CAP-230	Kettering Medical Center - Nixon	\$	450,000	32698
CAP-232	Child Care Matching Grant	\$	221,987	32699
Total Ohio University		\$	12,372,088	32700

BASIC RENOVATIONS 32701

The amount reappropriated for the foregoing appropriation 32702
item CAP-020, Basic Renovations, is the sum of the unencumbered 32703
and unallotted balance as of June 30, 2006, in appropriation item 32704
CAP-020, Basic Renovations, plus \$25,204. 32705

HEALTH PROFESSIONAL LABS - PHASE 1 32706

The amount reappropriated for the foregoing appropriation 32707
item CAP-142, Health Professions Labs - Phase 1, is the sum of the 32708
unencumbered and unallotted balance as of June 30, 2006, in 32709
appropriation item CAP-142, Health Professions LABS - Phase 1, 32710
plus \$33,046. 32711

GORDY HALL ADDITION & REHABILITATION 32712

The amount reappropriated for the foregoing appropriation 32713
item CAP-152, Gordy Hall Addition & Rehabilitation, is the sum of 32714
the unencumbered and unallotted balance as of June 30, 2006, in 32715
appropriation item CAP-152, Gordy Hall Addition & Rehabilitation, 32716
plus \$12,650. 32717

CENTER FOR PUBLIC POLICY 32718

The amount reappropriated for the foregoing appropriation 32719
item CAP-190, Center for Public Policy, is the sum of the 32720

unencumbered and unallotted balance as of June 30, 2006, in 32721
 appropriation item CAP-190, Center for Public Policy, plus \$3,255. 32722

PUTNAM HALL REHABILITATION 32723

The amount reappropriated for the foregoing appropriation 32724
 item CAP-202, Putnam Hall Rehabilitation, is the sum of the 32725
 unencumbered and unallotted balance as of June 30, 2006, in 32726
 appropriation item CAP-202, Putnam Hall Rehabilitation, plus 32727
 \$5,482. 32728

Reappropriations

Section 252.90. SSC SHAWNEE STATE UNIVERSITY 32729

CAP-004	Basic Renovations	\$	612,759	32730
CAP-008	Massie Hall Renovation	\$	33,186	32731
CAP-010	Land Acquisition	\$	56,267	32732
CAP-016	Library Building	\$	10,777	32733
CAP-017	Math/Science Building	\$	10,065	32734
CAP-029	Fine Arts Class and Lab Building	\$	108,704	32735
CAP-030	Utilities and Landscaping	\$	4,679	32736
CAP-037	ADA Modifications	\$	53,188	32737
CAP-039	Central Heating Plant Replacement	\$	7,665	32738
CAP-040	Chiller Replacement	\$	12,054	32739
CAP-041	Kricker Hall Renovation	\$	1,932	32740
CAP-042	Sidewalk/Plaza Replacement	\$	250,276	32741
CAP-043	Communication/Data Upgrade	\$	23,079	32742
CAP-044	Land Acquisition	\$	571,511	32743
CAP-045	Rehabilitation of Health Sciences Building - Phase I	\$	122,189	32744
CAP-046	Digital Infrastructure	\$	55,803	32745
CAP-047	Natatorium Rehabilitation	\$	21,987	32746
CAP-048	Facilities Building Renovation	\$	223,120	32747
CAP-051	Rhodes Center Rehabilitation	\$	1,315,586	32748
Total Shawnee State University		\$	3,494,827	32749

LAND ACQUISITION 32750

The amount reappropriated for the foregoing appropriation 32751
 item CAP-010, Land Acquisition, is the sum of the unencumbered and 32752
 unallotted balance as of June 30, 2006, in appropriation item 32753
 CAP-010, Land Acquisition, plus \$1,150. 32754

PLAZA/ROAD/LANDSCAPING 32755

The amount reappropriated for the foregoing appropriation 32756
 item CAP-035, Plaza/Road/Landscaping, shall be \$24,522. 32757

Reappropriations

Section 253.10. UTO UNIVERSITY OF TOLEDO 32758

CAP-010	Basic Renovations	\$	6,069,480	32759
CAP-073	ADA Modifications	\$	2,434	32760
CAP-077	Tribology	\$	192,296	32761
CAP-083	Bowman-Oddy Rehabilitation - Phase 2	\$	32,196	32762
CAP-091	Greenhouse Improvements	\$	11,675	32763
CAP-094	Plant Operations Renovation	\$	450,000	32764
CAP-096	Health & Human Services Rehabilitation - Phase I	\$	327,288	32765
CAP-105	Gillham Hall Rehabilitation	\$	2,999,373	32766
CAP-109	Student Services	\$	70,929	32767
CAP-110	Distributed Learning Courses	\$	858	32768
CAP-112	Campus Signage Improvements	\$	185,572	32769
CAP-115	Palmer Hall - 3rd Floor Classroom Renovations	\$	4,879	32770
CAP-116	Bowman-Oddy-North Wing Renovations	\$	695,909	32771
CAP-121	Emergency Phone System Upgrades	\$	29,895	32772
CAP-122	Bowman-Oddy Instructional Labs	\$	1,080,000	32773
CAP-125	University Computer Center Roof Replacement	\$	19,000	32774
CAP-126	Health & Human Services South Roof Replacement	\$	11,481	32775

CAP-127	Westwood Building Rehabilitation	\$	4,107,000	32776
CAP-128	Rocket Hall Renovation	\$	813,000	32777
CAP-129	Science - Lab Building	\$	3,006,304	32778
CAP-130	Rehabilitate/Expand Classroom Building	\$	2,200,000	32779
Total University of Toledo		\$	22,309,569	32780

HEALTH AND HUMAN SERVICES REHABILITATION - PHASE I 32781

The amount reappropriated for the foregoing appropriation 32782
item CAP-096, Health & Human Services Rehabilitation - Phase I, is 32783
the sum of the unencumbered and unallotted balance as of June 30, 32784
2006, in appropriation item CAP-096, Health & Human Services 32785
Rehabilitation - Phase I, plus \$19,808.11. 32786

Reappropriations

Section 253.20. WSU WRIGHT STATE UNIVERSITY 32787

CAP-015	Basic Renovations	\$	2,646,778	32788
CAP-064	Basic Renovations - Lake	\$	98,582	32789
CAP-080	Library Access Consolidation System	\$	4,400,080	32790
CAP-093	Information Technology Center	\$	23,860	32791
CAP-102	Specialized Communication	\$	7,791	32792
CAP-114	Environmental Technology Consortium	\$	6,298	32793
CAP-116	Rike Hall Renovation - Planning	\$	2,200,000	32794
CAP-117	Electrical Infrastructure - Phase 1	\$	305,296	32795
CAP-119	Science Lab Renovations - Planning	\$	5,898,819	32796
CAP-120	Lake Campus University Center	\$	2,007,909	32797
CAP-122	Accelerated Maturation of Materials	\$	26,621	32798
CAP-124	Video Analysis Content Extraction	\$	81,834	32799
CAP-127	Rehabilitate Festival Playhouse	\$	440,000	32800
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$	25,000	32801
CAP-130	Creative Arts HVAC Upgrade	\$	5,300	32802
CAP-131	Advanced Data Manager	\$	250,000	32803
CAP-132	Montgomery County Port Authority	\$	1,000,000	32804
Total Wright State University		\$	19,424,168	32805

BASIC RENOVATIONS			32806
The amount reappropriated for the foregoing appropriation			32807
item CAP-015, Basic Renovations, is the sum of the unencumbered			32808
and unallotted balance as of June 30, 2006, in appropriation items			32809
CAP-015, Basic Renovations; and CAP-071, New Academic Building.			32810
LIBRARY ACCESS CONSOLIDATION SYSTEM			32811
The amount reappropriated for the foregoing appropriation			32812
item CAP-080, Library Access Consolidation System, is the sum of			32813
the unencumbered and unallotted balance as of June 30, 2006, in			32814
appropriation item CAP-080, Library Access Consolidation System,			32815
plus \$81,413.			32816
		Reappropriations	
Section 253.30. YSU YOUNGSTOWN STATE UNIVERSITY			32817
CAP-014 Basic Renovations	\$	2,921,385	32818
CAP-066 Asbestos Abatement	\$	48,154	32819
CAP-099 Todd Hall Renovations	\$	146,979	32820
CAP-108 Electronic Campus	\$	2,722	32821
Infrastructure/Technology			
CAP-112 Beeghly Center Rehabilitation	\$	13,429	32822
CAP-113 Campus Development	\$	1,430,337	32823
CAP-114 Chiller and Steamline Replacement -	\$	92,003	32824
Phase 3			
CAP-117 Ward Beecher/HVAC Upgrade	\$	133,987	32825
CAP-124 Classroom Updates	\$	155,948	32826
CAP-125 Campus - Wide Building System Upgrades	\$	858,349	32827
CAP-126 Technology Upgrades	\$	962,153	32828
CAP-130 Residential Technology Integration	\$	34,072	32829
CAP-131 Masonry Restoration	\$	111,580	32830
CAP-132 Youngstown Convocation Center	\$	2,000,000	32831
Total Youngstown State University	\$	8,911,098	32832

BASIC RENOVATIONS 32833

The amount reappropriated for the foregoing appropriation 32834
 item CAP-014, Basic Renovations, is the sum of the unencumbered 32835
 and unallotted balance as of June 30, 2006, in appropriation item 32836
 CAP-014, Basic Renovations, plus \$33,680. 32837

Reappropriations

Section 253.40. MCO MEDICAL UNIVERSITY OF OHIO 32838

CAP-049	Center for Classrooms of the Future	\$	5,169	32839
CAP-053	ADA Modifications	\$	1,531	32840
CAP-062	Waterproofing	\$	3,381	32841
CAP-066	Core Research Facility	\$	3,739,440	32842
CAP-076	Supplemental Renovations	\$	990,789	32843
CAP-078	Clinical Academic Renovation	\$	536,150	32844
CAP-080	2005 Campus Waterproof/Roof Replacements	\$	3,834	32845
Total Medical University of Ohio		\$	5,280,294	32846

Reappropriations

Section 253.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF 32848

MEDICINE				32849
CAP-018	Basic Renovations	\$	407,517	32850
CAP-022	Cooperating Regional Library Depository	\$	452,200	32851
CAP-042	Outdoor Athletic Facilities	\$	15,450	32852
CAP-048	Rehabilitation of Multidisciplinary Labs	\$	1,346,879	32853
CAP-049	Renovation of Liebelt and Olson Halls	\$	34,325	32854
Total Northeastern Ohio Universities College of		\$	2,256,371	32855
Medicine				

REHAB OF MULTIDISCIPLINARY LABS 32856

The amount reappropriated for the foregoing appropriation 32857
 item CAP-048, Rehabilitation of Multidisciplinary Labs, is the sum 32858
 of the unencumbered and unallotted balances as of June 30, 2006, 32859
 in appropriation items CAP-048, Rehabilitation of 32860

Multidisciplinary Labs and CAP-034, ADA Modifications, plus \$928. 32861

Reappropriations

Section 253.60. CWR CASE WESTERN RESERVE UNIVERSITY 32862

CAP-005	Northeast Ohio Biomedical Research Consortium	\$	33,750	32863
CAP-013	Ohio MEMSnet	\$	17,579	32864
CAP-016	Ohio Pharmacological Sciences Consortium	\$	9,892	32865
CAP-022	Developing and Improving Institutional Animal Resources	\$	64,144	32866
CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic Microdevices	\$	11,002	32867
CAP-029	Consortium for Novel Microfabrication Methods of Mesoscale Devices in Non-Silicon Materials	\$	10,612	32868
CAP-031	Research in Propulsion Systems for Future Vehicles	\$	31,738	32869
CAP-032	Center for Fire & Explosion Science & Technology	\$	32,749	32870
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$	105,000	32871
CAP-039	Ohio Organic Semiconductor Consortium	\$	67,749	32872
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$	1,080	32873
CAP-043	Ohio Organic Semiconductor Consortium	\$	500	32874
CAP-044	Stem Cell and Regenerative Medicine	\$	500,000	32875
CAP-047	Condensed Matter Physics	\$	500,000	32876
CAP-048	Center for Chemical Dynamics	\$	159,076	32877
	Total Case Western Reserve University	\$	1,544,871	32878

Reappropriations

Section 253.70. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY 32880

COLLEGE			32881
CAP-008	Interior Renovations	\$ 2,258	32882
CAP-013	Basic Renovations	\$ 1,161,143	32883
CAP-016	Health Professions Building Planning	\$ 1,468	32884
CAP-017	Instructional and Data Processing Equipment	\$ 361,277	32885
CAP-030	Student Life/Education Building	\$ 2,865,422	32886
CAP-032	Child Care Facility	\$ 63,235	32887
CAP-035	Install Kiosks	\$ 150,450	32888
CAP-037	Classroom Technology Enhancements	\$ 792,372	32889
Total Cincinnati State Community College		\$ 5,397,625	32890

Reappropriations

Section 253.80. CLT CLARK STATE COMMUNITY COLLEGE			32892
CAP-006	Basic Renovations	\$ 1,099,828	32893
CAP-034	ADA Modifications	\$ 28,451	32894
CAP-041	Student Technology Center	\$ 1,270,607	32895
CAP-044	Child Care Matching Grant	\$ 130,000	32896
Total Clark State Community College		\$ 2,528,886	32897

Reappropriations

Section 253.90. CTI COLUMBUS STATE COMMUNITY COLLEGE			32899
CAP-006	Basic Renovations	\$ 2,219,129	32900
CAP-033	Child Care Facility	\$ 89,510	32901
CAP-040	Building "D" Planning	\$ 2,285,557	32902
CAP-043	Building "E" Planning	\$ 1,022,862	32903
CAP-053	Childcare Matching Grant	\$ 75,000	32904
Total Columbus State Community College		\$ 5,692,058	32905

BASIC RENOVATIONS 32906

The amount reappropriated for the foregoing appropriation 32907
 item CAP-006, Basic Renovations, is the unencumbered and 32908
 unallotted balance as of June 30, 2006, in appropriation item 32909

CAP-006, Basic Renovations, plus \$3,662. 32910

BUILDING "D" PLANNING 32911

The amount reappropriated for the foregoing appropriation 32912

item CAP-040, Building "D" Planning, is the unencumbered and 32913

unallotted balance as of June 30, 2006, in appropriation item 32914

CAP-040, Building "D" Planning, plus \$9,582. 32915

BUILDING "E" PLANNING 32916

The amount reappropriated for the foregoing appropriation 32917

item CAP-043, Building "E" Planning, is the sum of the 32918

unencumbered and unallotted balance as of June 30, 2006, in 32919

appropriation item CAP-037, Academic Center "C." 32920

Reappropriations

Section 254.10. CCC CUYAHOGA COMMUNITY COLLEGE 32921

CAP-031 Basic Renovations \$ 2,907,779 32922

CAP-064 Technology Learning Center - Western \$ 43,096 32923

CAP-073 Noncredit Job Training \$ 7,177 32924

CAP-076 Distance Learning \$ 139,287 32925

CAP-079 Cleveland Art Museum - Improvements \$ 3,000,000 32926

CAP-084 Literacy Initiative \$ 202,020 32927

CAP-090 Building A Expansion Module - Western \$ 5,689,241 32928

CAP-093 Corporate College East \$ 57,750 32929

CAP-094 College-Wide Wayfinding Signage System \$ 1,067,510 32930

CAP-095 College-Wide Asset Protection & Building \$ 1,491,522 32931

CAP-096 Healthcare Technology Building - Eastern \$ 6,050,264 32932

CAP-097 WVIZ Technical Center/Play House Square \$ 750,000 32933

Total Cuyahoga Community College \$ 21,405,646 32934

BASIC RENOVATIONS 32935

The amount reappropriated for the foregoing appropriation 32936

item CAP-031, Basic Renovations, is the sum of the unencumbered 32937

and unallotted balances as of June 30, 2006, in appropriation 32938

items CAP-031, Basic Renovations; CAP-087, Center for Nursing and	32939
Health Careers; CAP-088, Corporate College; and CAP-089, East I	32940
Renovations Phase 2 - Eastern.	32941

Reappropriations

Section 254.20. ESC EDISON STATE COMMUNITY COLLEGE	32942
CAP-006 Basic Renovations	\$ 649,311 32943
CAP-011 Roadway Construction	\$ 16,696 32944
CAP-014 Student Activities Area	\$ 13,398 32945
CAP-018 Master Plan Update	\$ 15,243 32946
CAP-021 Student Services	\$ 13,683 32947
Total Edison State Community College	\$ 708,331 32948

Reappropriations

Section 254.30. JTC JEFFERSON COMMUNITY COLLEGE	32950
CAP-022 Basic Renovations	\$ 210,806 32951
CAP-031 Law Enforcement/Engineering Lab	\$ 56,172 32952
Renovations	
CAP-041 Campus Master Plan	\$ 189,442 32953
Total Jefferson Community College	\$ 456,420 32954

Reappropriations

Section 254.40. LCC LAKELAND COMMUNITY COLLEGE	32956
CAP-006 Basic Renovations	\$ 1,148,687 32957
CAP-036 Noncredit Job Training	\$ 172,170 32958
CAP-037 Building East End Project	\$ 985,000 32959
CAP-038 HVAC Upgrades/Rehabilitation	\$ 960,300 32960
CAP-040 Roadway and Drainage Improvements	\$ 77,084 32961
CAP-043 Mooreland Educational Center	\$ 65,150 32962
Rehabilitation	
CAP-044 Industrial Skills Training Program	\$ 178,200 32963
CAP-045 Instructional Use Building	\$ 2,433,264 32964
Total Lakeland Community College	\$ 6,019,855 32965

Reappropriations

Section 254.50. LOR LORAIN COUNTY COMMUNITY COLLEGE			32967
CAP-005	Basic Renovations	\$ 909,693	32968
CAP-042	Virtual Lab Courses	\$ 84,970	32969
CAP-043	Great Lakes Business Growth Center	\$ 435,000	32970
CAP-044	Learning Technology Center	\$ 8,857,919	32971
Total Lorain County Community College			\$ 10,287,582 32972

BASIC RENOVATIONS 32973

The amount reappropriated for the foregoing appropriation 32974
 item CAP-005, Basic Renovation, is the sum of the unencumbered and 32975
 unallotted balance as of June 30, 2006, in appropriation item 32976
 CAP-005, Basic Renovations, plus \$23,600. 32977

Reappropriations

Section 254.60. NTC NORTHWEST STATE COMMUNITY COLLEGE			32978
CAP-003	Basic Renovations	\$ 525,209	32979
CAP-013	Classroom & Engineering Building	\$ 9,917	32980
CAP-022	Branch Campus Facility	\$ 400,000	32981
Total Northwest State Community College			\$ 935,126 32982

Reappropriations

Section 254.70. OTC OWENS COMMUNITY COLLEGE			32984
CAP-019	Basic Renovations	\$ 1,490,497	32985
CAP-037	Education Center	\$ 5,463	32986
CAP-039	Services Building Phase 2 - Finley	\$ 3,160,268	32987
Total Owens Community College			\$ 4,656,228 32988

Reappropriations

Section 254.80. RGC RIO GRANDE COMMUNITY COLLEGE			32990
CAP-005	Basic Renovations	\$ 1,027,918	32991
CAP-012	Instructional and Data Processing Equipment	\$ 72,035	32992

CAP-013	College of Business	\$	998	32993
CAP-022	Child Care Facility	\$	35,000	32994
CAP-025	Student and Community Center	\$	125,000	32995
CAP-026	Supplemental Renovations	\$	200,000	32996
Total Rio Grande Community College		\$	1,460,951	32997

Reappropriations

Section 254.90. SCC SINCLAIR COMMUNITY COLLEGE				32999
CAP-007	Basic Renovations	\$	1,691,235	33000
CAP-034	Advanced Educational Applications Center	\$	40,000	33001
	- Phase I			
CAP-042	Autolab/Fire Science Facility	\$	3,500	33002
CAP-055	Distance Learning	\$	1,870	33003
CAP-056	Information Literacy	\$	300,053	33004
CAP-061	Accelerated Product Development	\$	500,000	33005
Total Sinclair Community College		\$	2,536,658	33006

Reappropriations

Section 255.10. SOC SOUTHERN STATE COMMUNITY COLLEGE				33008
CAP-010	Basic Renovations	\$	81,365	33009
CAP-011	Supplemental Renovations	\$	100,000	33010
Total Southern State Community College		\$	181,365	33011

Reappropriations

Section 255.20. TTC TERRA STATE COMMUNITY COLLEGE				33013
CAP-009	Basic Renovations	\$	294,222	33014
CAP-015	Child Care Facility	\$	166,148	33015
CAP-018	Nursing Online	\$	3,873	33016
CAP-020	New Health and Science Building	\$	2,967,947	33017
Total Terra State Community College		\$	3,432,190	33018

Reappropriations

Section 255.30. WTC WASHINGTON STATE COMMUNITY COLLEGE				33020
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CAP-006	Basic Renovations	\$	231,224	33021
CAP-009	Instructional and Data Processing Equipment	\$	92,363	33022
CAP-012	ADA Modifications	\$	14,575	33023
CAP-019	Industrial Certifications	\$	4,000	33024
CAP-020	Child Care Matching Grant	\$	43,000	33025
Total Washington State Community College		\$	385,162	33026

Reappropriations

Section 255.40. BTC BELMONT TECHNICAL COLLEGE 33028

CAP-008	Basic Renovations	\$	813,671	33029
CAP-014	Main Building Renovation - Phase 3	\$	49,137	33030
CAP-016	Industrial and Data Processing Equipment	\$	85,628	33031
CAP-019	ADA Modifications	\$	49,915	33032
Total Belmont Technical College		\$	998,351	33033

Reappropriations

Section 255.50. COT CENTRAL OHIO TECHNICAL COLLEGE 33035

CAP-003	Basic Renovations	\$	9,857	33036
CAP-013	Hopewell Hall Science Suite	\$	354,765	33037
CAP-014	Founders Hopewell Halls	\$	5,158	33038
Total Central Ohio Technical College		\$	369,780	33039

Reappropriations

Section 255.60. HTC HOCKING TECHNICAL COLLEGE 33041

CAP-019	Basic Renovations	\$	638,185	33042
CAP-024	Building Addition	\$	5,270	33043
CAP-027	Instructional and Data Processing Equipment	\$	288,546	33044
CAP-028	College Hall Rehabilitation	\$	3,769	33045
CAP-032	Public Safety Service	\$	57,065	33046
CAP-033	Light and Oakley Halls	\$	41,129	33047
CAP-039	Student Services	\$	9,752	33048

CAP-041	Flexible Manufacturing Center	\$	205,000	33049
CAP-042	McClenaghan Center Expansion	\$	1,283,437	33050
CAP-044	Hocking College Fire and Emergency Training Center	\$	250,000	33051
Total Hocking Technical College		\$	2,782,153	33052

Reappropriations

Section 255.70. LTC JAMES RHODES STATE COLLEGE				33054
CAP-004	Basic Renovations	\$	1,123,167	33055
CAP-006	Building Renovations	\$	5,000	33056
CAP-007	Training and Education Facility	\$	79,934	33057
CAP-008	Instructional and Data Processing Equipment	\$	290,732	33058
CAP-009	Life and Physical Sciences	\$	10,133	33059
Total James Rhodes State College		\$	1,508,965	33060

Reappropriations

Section 255.80. MAT ZANE STATE COLLEGE				33062
CAP-007	Basic Renovations	\$	498,234	33063
CAP-017	Basic Capacity Grant	\$	1,390,645	33064
CAP-021	Lighting/HVAC Replacement	\$	175,000	33065
Total Zane State College		\$	2,063,879	33066

Reappropriations

Section 255.90. MTC MARION TECHNICAL COLLEGE				33068
CAP-004	Basic Renovations	\$	103,485	33069
CAP-006	Instructional and Data Processing Equipment	\$	71,786	33070
CAP-012	Technical Education Center	\$	38,622	33071
Total Marion Technical College		\$	213,893	33072

Reappropriations

Section 256.10. NCC NORTH CENTRAL TECHNICAL COLLEGE				33074
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CAP-003	Basic Renovations	\$	586,030	33075
CAP-009	ADA Modifications	\$	25,000	33076
CAP-013	Engineering Center Renovation	\$	6,272	33077
CAP-014	Kee Hall Roof Replacement	\$	509,000	33078
CAP-015	Richland/Braintree Incubator	\$	250,000	33079
CAP-018	Fallerius Center Rehabilitation	\$	482,406	33080
Total North Central Technical College		\$	1,858,708	33081

BASIC RENOVATIONS 33082

The amount reappropriated for the foregoing appropriation 33083
 item CAP-003, Basic Renovations, is the sum of the unencumbered 33084
 and unallotted balance as of June 30, 2006, in appropriation item 33085
 CAP-003, Basic Renovations, plus \$5,563. 33086

FALLERIUS CENTER REHABILITATION 33087

The amount reappropriated for the foregoing appropriation 33088
 item CAP-018, Fallerius Center Rehabilitation, is the sum of the 33089
 unencumbered and unallotted balance as of June 30, 2006, in 33090
 appropriation item CAP-018, Fallerius Center Phase II 33091
 Rehabilitation, plus \$7,797. 33092

Reappropriations

Section 256.20. STC STARK TECHNICAL COLLEGE 33093

CAP-004	Basic Renovations	\$	496,210	33094
CAP-027	Information Technology Learning Center	\$	921	33095
CAP-037	Fuel Cell Initiative	\$	2,862	33096
CAP-038	General Study Faculty Offices	\$	1,378,892	33097
Total Stark Technical College		\$	1,878,885	33098
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	491,699,205	33099

Section 256.30. For all of the foregoing appropriation items 33101
 from the Higher Education Improvement Fund (Fund 034) that require 33102
 local funds to be contributed by any state-supported or 33103
 state-assisted institution of higher education, the Board of 33104

Regents shall not recommend that any funds be released until the 33105
recipient institution demonstrates to the Board of Regents and the 33106
Office of Budget and Management that the local funds contribution 33107
requirement has been secured or satisfied. The local funds shall 33108
be in addition to the foregoing appropriations. 33109

Section 256.40. None of the foregoing capital improvements 33110
appropriations for state-supported or state-assisted institutions 33111
of higher education shall be expended until the particular 33112
appropriation has been recommended for release by the Board of 33113
Regents and released by the Director of Budget and Management or 33114
the Controlling Board. Either the institution concerned, or the 33115
Board of Regents with the concurrence of the institution 33116
concerned, may initiate the request to the Director of Budget and 33117
Management or the Controlling Board for the release of the 33118
particular appropriations. 33119

Section 256.50. (A) No capital improvement appropriations 33120
made in Sections 251.30 to 256.80, 289.10, 289.20, 291.10, and 33121
291.20 of this act shall be released for planning or for 33122
improvement, renovation, construction, or acquisition of capital 33123
facilities if the institution of higher education or the state 33124
does not own the real property on which the capital facilities are 33125
or will be located. This restriction does not apply in any of the 33126
following circumstances: 33127

(1) The institution has a long-term (at least fifteen years) 33128
lease of, or other interest (such as an easement) in, the real 33129
property. 33130

(2) The Board of Regents certifies to the Controlling Board 33131
that undue delay will occur if planning does not proceed while the 33132
property or property interest acquisition process continues. In 33133
this case, funds may be released upon approval of the Controlling 33134

Board to pay for planning through the development of schematic drawings only. 33135
33136

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Board of Regents, with the institution of higher education that meets the requirements of division (C) of this section. 33137
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(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Board of Regents that the facilities proposed by the institutions are: 33148
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(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Board of Regents; 33153
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(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects; 33155
33156
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(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available upon their completion; 33159
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(4) To be located on or adjacent to the branch campus of the university. 33162
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(C) In the case of capital facilities referred to in division 33164

(A)(3) of this section, the joint or cooperative use agreements	33165
shall include, as a minimum, provisions that:	33166
(1) Specify the extent and nature of that joint or	33167
cooperative use, extending for not fewer than fifteen years, with	33168
the value of such use or right to use to be, as determined by the	33169
parties and approved by the Board of Regents, reasonably related	33170
to the amount of the appropriations;	33171
(2) Provide for pro rata reimbursement to the state should	33172
the arrangement for joint or cooperative use be terminated;	33173
(3) Provide that procedures to be followed during the capital	33174
improvement process will comply with appropriate applicable state	33175
laws and rules, including provisions of this act;	33176
(4) Provide for payment or reimbursement to the institution	33177
of its administrative costs incurred as a result of the facilities	33178
project, not to exceed 1.5 per cent of the appropriated amount.	33179
(D) Upon the recommendation of the Board of Regents, the	33180
Controlling Board may approve the transfer of appropriations for	33181
projects requiring cooperation between institutions from one	33182
institution to another institution, with the approval of both	33183
institutions.	33184
(E) Notwithstanding section 127.14 of the Revised Code, the	33185
Controlling Board, upon the recommendation of the Board of	33186
Regents, may transfer amounts appropriated to the Board of Regents	33187
to accounts of state-supported or state-assisted institutions	33188
created for that same purpose.	33189
Section 256.60. The requirements of Chapters 123. and 153. of	33190
the Revised Code, with respect to the powers and duties of the	33191
Director of Administrative Services in the procedure for and award	33192
of contracts for capital improvement projects, and the	33193
requirements of section 127.16 of the Revised Code, with respect	33194

to the Controlling Board, do not apply to projects of community college districts and technical college districts. 33195
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Section 256.70. Those institutions locally administering capital improvement projects pursuant to sections 3345.50 and 3345.51 of the Revised Code may: 33197
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(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget. 33200
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(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for such capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design may not exceed seven per cent of the estimated construction cost. 33206
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Section 256.80. The Board of Regents shall adopt rules regarding the release of moneys from all the foregoing appropriations for capital facilities for all state-supported and state-assisted institutions of higher education. 33216
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Section 259.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) that are not otherwise appropriated: 33220
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		Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			33224
CAP-004	Burr Oak State Park	\$ 177,314	33225
CAP-005	Cowan Lake State Park	\$ 3,680	33226
CAP-011	Findley State Park	\$ 22,856	33227
CAP-012	Land Acquisition	\$ 243,663	33228
CAP-016	Hueston Woods State Park	\$ 5,733	33229
CAP-017	Indian Lake State Park	\$ 15,388	33230
CAP-019	Lake Hope State Park	\$ 7,276	33231
CAP-025	Punderson State Park	\$ 6,263	33232
CAP-029	Salt Fork State Park	\$ 799	33233
CAP-045	Mary J. Thurston State Park Marina/Dock	\$ 301,000	33234
CAP-051	Buck Creek State Park	\$ 750	33235
CAP-064	Geneva State Park	\$ 24,592	33236
CAP-069	Hocking Hills State Park	\$ 525	33237
CAP-093	Portage Lakes State Park	\$ 143,310	33238
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000	33239
CAP-162	Shawnee State Park	\$ 760	33240
CAP-205	Deer Creek State Park	\$ 128,551	33241
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 4,169,570	33242
CAP-331	Park Boating Facilities	\$ 9,195,011	33243
CAP-390	State Park Maintenance Facility Development	\$ 737,751	33244
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 4,000,000	33245
CAP-702	Upgrade Underground Storage Tanks	\$ 247,976	33246
CAP-703	Cap Abandoned Water Wells	\$ 1,495	33247
CAP-716	Muskingum River Lock and Dam	\$ 180,000	33248
CAP-718	Grand Lake St. Mary's State Park	\$ 451,882	33249
CAP-719	Indian Lake State Park	\$ 16,480	33250
CAP-727	Riverfront Improvements	\$ 1,005,000	33251
CAP-744	Multi-Agency Radio Communication	\$ 425,000	33252

	Equipment			
CAP-748	Local Parks Projects	\$	1,228,825	33253
CAP-787	Scioto Riverfront Improvements	\$	33,861	33254
CAP-790	Paint Creek State Park Campground	\$	2,300	33255
	Electricity			
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	33256
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	33257
CAP-845	Caesar Creek State Park	\$	109,575	33258
CAP-848	Hazardous Dam Repair/Statewide	\$	1,325,000	33259
CAP-876	Statewide Trails Program	\$	1,889,848	33260
CAP-927	Mohican State Park	\$	72,470	33261
CAP-928	Handicapped Accessibility	\$	50,000	33262
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	33263
CAP-931	Wastewater/Water Systems Upgrade	\$	3,604,700	33264
	Total Department of Natural Resources	\$	31,742,587	33265
	TOTAL Parks and Recreation Improvement Fund	\$	31,742,587	33266

Section 259.20. RIVERFRONT IMPROVEMENTS 33268

Of the foregoing reappropriation item CAP-727, Riverfront Improvements, \$1,000,000 shall be used for the Riverfront West Park Development - Cincinnati Park Board, Hamilton County.

LOCAL PARKS PROJECTS 33272

The following projects shall be funded from the foregoing reappropriation item CAP-748, Local Parks Projects: \$50,000 for Liberty Township Playground project; \$25,000 for the Cleveland Police and Firefighters Memorial Park project; \$750,000 for the Banks Park project; \$25,000 for the Early Hill Park project; \$10,000 for the Wellington Soccer Field Park project; and \$10,000 for the Greenwich Township Baseball Field Park Improvements project.

STATEWIDE TRAILS PROGRAM 33281

Of the foregoing reappropriation item CAP-876, Statewide Trails Program, \$16,500 shall be used for the South Milford Road Bike Trail Project.

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to Sections 259.10 and 259.20 of this act shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund.

Section 259.30. For the appropriations in Section 259.10 of this act, the Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, within the Parks and Recreation Improvement Fund (Fund 035), to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for the projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 227), and be reimbursed by the Parks and Recreation Improvement Fund (Fund 035) using an intrastate voucher.

Section 259.40. (A) No capital improvement appropriations made in Sections 249.20 to 249.40 of this act shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which

the capital facilities are or will be located. This restriction 33312
does not apply in any of the following circumstances: 33313

(1) The governmental agency has a long-term (at least fifteen 33314
years) lease of, or other interest (such as an easement) in, the 33315
real property. 33316

(2) In the case of an appropriation for capital facilities 33317
for parks and recreation that, because of their unique nature or 33318
location, will be owned or will be part of facilities owned by a 33319
separate nonprofit organization and made available to the 33320
governmental agency for its use, the nonprofit organization either 33321
owns or has a long-term (at least fifteen years) lease of the real 33322
property or other capital facility to be improved, renovated, 33323
constructed, or acquired and has entered into a joint or 33324
cooperative use agreement, approved by the Department of Natural 33325
Resources, with the governmental agency for that agency's use of 33326
and right to use the capital facilities to be financed and, if 33327
applicable, improved, the value of such use or right to use being, 33328
as determined by the parties, reasonably related to the amount of 33329
the appropriation. 33330

(B) In the case of capital facilities referred to in division 33331
(A)(2) of this section, the joint or cooperative use agreement 33332
shall include, as a minimum, provisions that: 33333

(1) Specify the extent and nature of that joint or 33334
cooperative use, extending for not fewer than fifteen years, with 33335
the value of such use or right to use to be, as determined by the 33336
parties and approved by the applicable department, reasonably 33337
related to the amount of the appropriation; 33338

(2) Provide for pro rata reimbursement to the state should 33339
the arrangement for joint or cooperative use by a governmental 33340
agency be terminated; and 33341

(3) Provide that procedures to be followed during the capital 33342
improvement process will comply with appropriate applicable state 33343
laws and rules, including provisions of this act. 33344

Section 263.10. All items set forth in this section are 33345
hereby appropriated out of any moneys in the state treasury to the 33346
credit of the State Capital Improvements Fund (Fund 038) that are 33347
not otherwise appropriated: 33348

Reappropriations

PWC PUBLIC WORKS COMMISSION 33349

Ohio Small Government Capital Improvement Commission 33350

CAP-150	Local Public Infrastructure	\$	6,650,225	33351
CIF-000	Ohio Small Government Capital Improvement	\$	25,422,212	33352
CIF-001	Infrastructure - District 1	\$	31,170,885	33353
CIF-002	Infrastructure - District 2	\$	12,243,374	33354
CIF-003	Infrastructure - District 3	\$	21,652,949	33355
CIF-004	Infrastructure - District 4	\$	11,447,335	33356
CIF-005	Infrastructure - District 5	\$	8,542,288	33357
CIF-006	Infrastructure - District 6	\$	10,958,857	33358
CIF-007	Infrastructure - District 7	\$	12,155,980	33359
CIF-008	Infrastructure - District 8	\$	12,272,116	33360
CIF-009	Infrastructure - District 9	\$	7,541,982	33361
CIF-010	Infrastructure - District 10	\$	20,352,120	33362
CIF-011	Infrastructure - District 11	\$	11,000,253	33363
CIF-012	Infrastructure - District 12	\$	9,703,960	33364
CIF-013	Infrastructure - District 13	\$	6,051,165	33365
CIF-014	Infrastructure - District 14	\$	5,871,489	33366
CIF-015	Infrastructure - District 15	\$	8,298,905	33367
CIF-016	Infrastructure - District 16	\$	11,218,488	33368
CIF-017	Infrastructure - District 17	\$	8,580,458	33369
CIF-018	Infrastructure - District 18	\$	7,050,617	33370
CIF-019	Infrastructure - District 19	\$	9,556,745	33371

CIF-020	Emergency Set Aside	\$	4,616,381	33372
CIF-021	Small Counties Program	\$	381,676	33373
Total Public Works Commission		\$	262,740,460	33374
TOTAL State Capital Improvement Fund		\$	262,740,460	33375

The appropriations in this section shall be used in 33376
accordance with sections 164.01 to 164.12 of the Revised Code. All 33377
expenditures made from these appropriations shall be approved by 33378
the Director of the Public Works Commission. The Director of the 33379
Public Works Commission shall not allocate funds in amounts 33380
greater than those amounts appropriated by the General Assembly. 33381

Section 265.10. All items set forth in this section are 33382
hereby appropriated out of any moneys in the state treasury to the 33383
credit of the State Capital Improvements Revolving Loan Fund (Fund 33384
040) and derived from repayments of loans made to local 33385
subdivisions for capital improvements, investment earnings on 33386
moneys in the fund, and moneys obtained from federal or private 33387
grants or from other sources for the purpose of making loans for 33388
the purpose of financing or assisting in the financing of the cost 33389
of capital improvement projects of local subdivisions: 33390

Reappropriations

PWC PUBLIC WORKS COMMISSION				33391
CAP-151	Revolving Loan	\$	509,862	33392
RLF-001	Revolving Loan Fund-District 1	\$	8,126,096	33393
RLF-002	Revolving Loan Fund-District 2	\$	5,380,729	33394
RLF-003	Revolving Loan Fund-District 3	\$	8,530,418	33395
RLF-004	Revolving Loan Fund-District 4	\$	4,146,430	33396
RLF-005	Revolving Loan Fund-District 5	\$	2,409,654	33397
RLF-006	Revolving Loan Fund-District 6	\$	2,262,865	33398
RLF-007	Revolving Loan Fund-District 7	\$	2,979,413	33399
RLF-008	Revolving Loan Fund-District 8	\$	2,284,775	33400
RLF-009	Revolving Loan Fund-District 9	\$	2,373,304	33401
RLF-010	Revolving Loan Fund-District 10	\$	3,934,237	33402

RLF-011	Revolving Loan Fund-District 11	\$	2,606,192	33403
RLF-012	Revolving Loan Fund-District 12	\$	3,766,538	33404
RLF-013	Revolving Loan Fund-District 13	\$	1,194,287	33405
RLF-014	Revolving Loan Fund-District 14	\$	1,811,638	33406
RLF-015	Revolving Loan Fund-District 15	\$	1,483,685	33407
RLF-016	Revolving Loan Fund-District 16	\$	2,576,025	33408
RLF-017	Revolving Loan Fund-District 17	\$	2,410,368	33409
RLF-018	Revolving Loan Fund-District 18	\$	2,692,408	33410
RLF-019	Revolving Loan Fund-District 19	\$	1,984,226	33411
RLF-020	Small Government Program	\$	2,030,053	33412
RLF-021	Emergency Program	\$	153,272	33413
Total Public Works Commission		\$	65,646,475	33414
TOTAL State Capital Improvements Revolving Loan		\$	65,646,475	33415
Fund				

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the Public Works Commission shall not allocate funds in amounts greater than those amounts appropriated by the General Assembly.

Section 265.20. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) that are not otherwise appropriated:

		Reappropriations		
PWC PUBLIC WORKS COMMISSION				33426
COF-001	Clean Ohio-District 1	\$	4,283,924	33427
COF-002	Clean Ohio-District 2	\$	2,156,940	33428
COF-003	Clean Ohio-District 3	\$	4,871,620	33429
COF-004	Clean Ohio-District 4	\$	1,883,778	33430
COF-005	Clean Ohio-District 5	\$	2,526,379	33431
COF-006	Clean Ohio-District 6	\$	1,814,066	33432

COF-007	Clean Ohio-District 7	\$	477,005	33433
COF-008	Clean Ohio-District 8	\$	1,654,808	33434
COF-009	Clean Ohio-District 9	\$	101,338	33435
COF-010	Clean Ohio-District 10	\$	2,158,673	33436
COF-011	Clean Ohio-District 11	\$	2,601,882	33437
COF-012	Clean Ohio-District 12	\$	884,124	33438
COF-013	Clean Ohio-District 13	\$	2,746,579	33439
COF-014	Clean Ohio-District 14	\$	4,056,729	33440
COF-015	Clean Ohio-District 15	\$	1,987,710	33441
COF-016	Clean Ohio-District 16	\$	2,772,449	33442
COF-017	Clean Ohio-District 17	\$	2,862,321	33443
COF-018	Clean Ohio-District 18	\$	3,096,644	33444
COF-019	Clean Ohio-District 19	\$	379,417	33445
Total Public Works Commission		\$	43,316,386	33446
TOTAL Clean Ohio Conservation Fund		\$	43,316,386	33447

Section 267.10. All items set forth in this section are 33449
 hereby appropriated out of any moneys in the state treasury to the 33450
 credit of the Clean Ohio Agricultural Easement Fund (Fund 057) 33451
 that are not otherwise appropriated: 33452

Reappropriations

AGR DEPARTMENT OF AGRICULTURE				33453
CAP-047	Clean Ohio Agricultural Easement	\$	5,892,856	33454
Total Department of Agriculture		\$	5,892,856	33455
TOTAL Clean Ohio Agricultural Easement Fund		\$	5,892,856	33456

AGRICULTURAL EASEMENT PURCHASE 33457

The foregoing appropriation item CAP-047, Clean Ohio 33458
 Agricultural Easement, shall be used in accordance with sections 33459
 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 33460

Section 269.10. All items set forth in this section are 33461
 hereby appropriated out of any moneys in the state treasury to the 33462

credit of the Clean Ohio Trail Fund (Fund 061) that are not 33463
otherwise appropriated: 33464

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES		33465
CAP-014 Clean Ohio Trail Fund	\$ 6,344,000	33466
Total Department of Natural Resources	\$ 6,344,000	33467
TOTAL Clean Ohio Trail Fund	\$ 6,344,000	33468

Section 269.20. CLEAN OHIO TRAIL 33470

The amount reappropriated for the foregoing appropriation 33471
item CAP-014, Clean Ohio Trail, is \$700,000 plus the unencumbered 33472
and unallotted balance as of June 30, 2006, in item CAP-014, Clean 33473
Ohio Trail. The \$700,000 represents amounts that were previously 33474
appropriated, allocated to nonprofit organizations and local 33475
political subdivisions pursuant to division (C) of section 1519.05 33476
of the Revised Code, and encumbered for local project grants. The 33477
encumbrances for these local projects shall be cancelled by the 33478
Director of Natural Resources or the Director of Budget and 33479
Management. The Director of Natural Resources shall allocate the 33480
\$700,000 to new local project grants meeting the requirements of 33481
section 1519.05 of the Revised Code. 33482

Section 271.10. All items set forth in this section are 33483
hereby appropriated out of any moneys in the state treasury to the 33484
credit of the Clean Ohio Revitalization Fund (Fund 003) that are 33485
not otherwise appropriated: 33486

Appropriations

DEV DEPARTMENT OF DEVELOPMENT		33487
CAP-001 Clean Ohio Revitalization	\$ 43,000,000	33488
CAP-002 Clean Ohio Assistance	\$ 10,000,000	33489
Total Department of Development	\$ 53,000,000	33490
TOTAL Clean Ohio Assistance Fund	\$ 53,000,000	33491

Section 271.20. CLEAN OHIO REVITALIZATION 33493

The Treasurer of State is hereby authorized to issue and 33494
sell, in accordance with Section 2o of Article VIII, Ohio 33495
Constitution, and pursuant to sections 151.01 and 151.40 of the 33496
Revised Code, original obligations in an aggregate principal 33497
amount not to exceed \$50,000,000, in addition to the original 33498
issuance of obligations heretofore authorized by prior acts of the 33499
General Assembly. These authorized obligations shall be issued and 33500
sold from time to time, subject to applicable constitutional and 33501
statutory limitations, as needed to ensure sufficient moneys to 33502
the credit of the Clean Ohio Revitalization Fund (Fund 003) to pay 33503
costs of revitalization projects. 33504

Section 273.10. All items set forth in this section are 33505
hereby appropriated out of any moneys in the state treasury to the 33506
credit of the Job Ready Sites Fund (Fund 012) that are not 33507
otherwise appropriated: 33508

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			33509
CAP-003 Job Ready Sites	\$	30,000,000	33510
Total Department of Development	\$	30,000,000	33511
TOTAL Job Ready Sites Fund	\$	30,000,000	33512

Section 273.20. JOB READY SITES DEVELOPMENT 33514

The Ohio Public Facilities Commission, upon request of the 33515
Department of Development, is hereby authorized to issue and sell, 33516
in accordance with Section 2p of Article VIII, Ohio Constitution, 33517
and pursuant to sections 151.01 and 151.11 of the Revised Code, 33518
original obligations of the State of Ohio in an aggregate amount 33519
not to exceed \$30,000,000 in addition to the original issuance of 33520
obligations heretofore authorized by prior acts of the General 33521
Assembly. These authorized obligations shall be issued and sold 33522

from time to time, subject to applicable constitutional and 33523
 statutory limitations, as needed to ensure sufficient moneys to 33524
 the credit of the Job Ready Sites Fund (Fund 012) to pay costs of 33525
 sites and facilities. 33526

Section 275.10. All items set forth in this section are 33527
 hereby appropriated out of any moneys in the state treasury to the 33528
 credit of the Public School Building Fund (Fund 021) that are not 33529
 otherwise appropriated: 33530

Appropriations

SFC SCHOOL FACILITIES COMMISSION			33531
CAP-622	Public School Building	\$ 80,000,000	33532
Total School Facilities Commission			33533
TOTAL Public School Building Fund			33534

Section 277.10. All items set forth in this section are 33536
 hereby appropriated out of any moneys in the state treasury to the 33537
 credit of the Administrative Building Fund (Fund 026) that are not 33538
 otherwise appropriated: 33539

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			33540
CAP-020	Cupola Gutters and Ancillary Roof	\$ 380,000	33541
Improvements			
CAP-021	Exterior Walkway Plaza Repairs	\$ 1,159,000	33542
CAP-023	ADA Specific Sidewalk Ramp Replacement	\$ 71,500	33543
Total Capitol Square Review and Advisory Board			33544

Appropriations

EXP EXPOSITIONS COMMISSION			33545
CAP-073	Asset Procurement	\$ 500,000	33546
Total Expositions Commission			33547

33548

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			33549
CAP-744	MARCS Equipment	\$ 1,000,000	33550
Total Department of Natural Resources			\$ 1,000,000 33551
TOTAL Administrative Building Fund			\$ 3,110,500 33552

Section 277.20. ADMINISTRATIVE BUILDINGS 33554

The Ohio Building Authority is hereby authorized to issue and 33555
sell, in accordance with Section 2i of Article VIII, Ohio 33556
Constitution, and Chapter 152. and other applicable sections of 33557
the Revised Code, original obligations in an aggregate principal 33558
amount not to exceed \$4,000,000 in addition to the original 33559
issuance of obligations heretofore authorized by prior acts of the 33560
General Assembly. These authorized obligations shall be issued and 33561
sold from time to time, subject to applicable constitutional and 33562
statutory limitations, as needed to ensure sufficient moneys to 33563
the credit of the Administrative Building Fund (Fund 026) to pay 33564
costs of authorized capital facilities. 33565

Section 279.10. All items set forth in this section are 33566
hereby appropriated out of any moneys in the state treasury to the 33567
credit of the Adult Correctional Building Fund (Fund 027) that are 33568
not otherwise appropriated: 33569

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			33570
CAP-008	Powerhouse/Utility Improvements	\$ 1,147,237	33571
CAP-009	Water System/Plant Improvements	\$ 3,510,000	33572
CAP-017	Security Improvements - Statewide	\$ 7,191,750	33573
CAP-111	General Building Renovations	\$ 16,176,003	33574
CAP-238	Electric System Upgrade	\$ 2,000,000	33575
Total Department of Rehabilitation and Correction			\$ 30,024,990 33576
TOTAL Adult Correctional Building Fund			\$ 30,024,990 33577

Section 279.20. DRC - ADULT CORRECTION BUILDINGS 33579

The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and section 307.021 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$20,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Adult Correctional Building Fund (Fund 027) to pay costs of rehabilitation and correction related capital facilities.

Section 281.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028) that are not otherwise appropriated:

	Appropriations	
DYS DEPARTMENT OF YOUTH SERVICES		33596
CAP-801 Fire Suppression/Safety/Security	\$ 1,750,000	33597
Total Department of Youth Services	\$ 1,750,000	33598
TOTAL Juvenile Correctional Building Fund	\$ 1,750,000	33599

Section 281.20. DYS - JUVENILE CORRECTION BUILDINGS 33601

The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$2,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and

statutory limitations, as needed to ensure sufficient moneys to 33610
the credit of the Juvenile Correctional Building Fund (Fund 028) 33611
to pay costs of juvenile correction related capital facilities. 33612

Section 283.10. All items set forth in this section are 33613
hereby appropriated out of any moneys in the state treasury to the 33614
credit of the Ohio Parks and Natural Resources Fund (Fund 031) 33615
that are not otherwise appropriated: 33616

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			33617
CAP-753	Project Planning	\$ 1,050,000	33618
CAP-881	DAM Rehabilitation	\$ 4,000,000	33619
Total Department of Natural Resources		\$ 5,050,000	33620
TOTAL Ohio Parks and Natural Resources Fund		\$ 5,050,000	33621

Section 283.20. DNR - NATUREWORKS 33623

The Ohio Public Facilities Commission is hereby authorized to 33624
issue and sell, in accordance with Section 21 of Article VIII, 33625
Ohio Constitution, and pursuant to sections 151.01 and 151.05 of 33626
the Revised Code, original obligations of the State of Ohio in an 33627
aggregate amount not to exceed \$5,000,000 in addition to the 33628
original issuance of obligations heretofore authorized by prior 33629
acts of the General Assembly. These authorized obligations shall 33630
be issued and sold from time to time, subject to applicable 33631
constitutional and statutory limitations, as needed to ensure 33632
sufficient moneys to the credit of the Ohio Parks and Natural 33633
Resources Fund (Fund 031) to pay costs of natural resources 33634
capital improvements. 33635

Section 285.10. All items set forth in this section are 33636
hereby appropriated out of any moneys in the state treasury to the 33637
credit of the School Building Program Assistance Fund (Fund 032) 33638
that are not otherwise appropriated: 33639

	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		33640
CAP-770 School Facilities Program Assistance	\$ 585,000,000	33641
Total School Facilities Commission	\$ 585,000,000	33642
TOTAL School Building Program Assistance Fund	\$ 585,000,000	33643

Section 285.20. PUBLIC SCHOOL BUILDING ASSISTANCE 33645

The Ohio Public Facilities Commission is hereby authorized to 33646
 issue and sell, in accordance with Section 2n of Article VIII, 33647
 Ohio Constitution, and pursuant to sections 151.01 and 151.03 of 33648
 the Revised Code, original obligations of the State of Ohio in an 33649
 aggregate amount not to exceed \$580,000,000 in addition to the 33650
 original issuance of obligations heretofore authorized by prior 33651
 acts of the General Assembly. These authorized obligations shall 33652
 be issued and sold from time to time, subject to applicable 33653
 constitutional and statutory limitations, as needed to ensure 33654
 sufficient moneys to the credit of the School Building Program 33655
 Assistance Fund (Fund 032) to pay the State's share of the costs 33656
 of capital facilities for a system of common schools throughout 33657
 the State. 33658

Section 287.10. All items set forth in this section are 33659
 hereby appropriated out of any moneys in the state treasury to the 33660
 credit of the Mental Health Facilities Improvement Fund (Fund 033) 33661
 that are not otherwise appropriated: 33662

	Appropriations	
DMH DEPARTMENT OF MENTAL HEALTH		33663
CAP-986 Campus Consolidation	\$ 5,500,000	33664
Total Department of Mental Health	\$ 5,500,000	33665
TOTAL Mental Health Facilities Improvement Fund	\$ 5,500,000	33666

Section 287.20. DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT 33668
 FUND 033 33669

The Treasurer of State is hereby authorized to issue and 33670
sell, in accordance with Section 2i of Article VIII, Ohio 33671
Constitution, Chapter 154. and particularly section 154.20 of the 33672
Revised Code, original obligations in an aggregate principal 33673
amount not to exceed \$5,000,000, in addition to the original 33674
issuance of obligations heretofore authorized by prior acts of the 33675
General Assembly. These authorized obligations shall be issued and 33676
sold from time to time, subject to applicable constitutional and 33677
statutory limitations, as needed to ensure sufficient moneys to 33678
the credit of the Mental Health Facilities Improvement Fund (Fund 33679
033) to pay costs of capital facilities for mental hygiene and 33680
retardation. 33681

Section 289.10. All items set forth in this section are 33682
hereby appropriated out of any moneys in the state treasury to the 33683
credit of the Higher Education Improvement Fund (Fund 034) that 33684
are not otherwise appropriated. The appropriations made in this 33685
act are in addition to any other capital appropriations made for 33686
the 2007-2008 biennium. 33687

Appropriations

BOR BOARD OF REGENTS			33688
Higher Education Improvement Fund			33689
CAP-029	Ohio Library and	\$ 3,500,000	33690
	Information Network		
CAP-068	Third Frontier Project	\$ 50,000,000	33691
Total Board of Regents			\$ 53,500,000 33692
TOTAL Higher Education Improvement			\$ 53,500,000 33693
Fund			

Section 289.20. BOR - HIGHER EDUCATION IMPROVEMENT 33695

The Ohio Public Facilities Commission is hereby authorized to 33696
issue and sell, in accordance with Section 2n of Article VIII, 33697

Ohio Constitution, and pursuant to sections 151.01 and 151.04 of
the Revised Code, original obligations of the State of Ohio in an
aggregate amount not to exceed \$54,000,000 in addition to the
original issuance of obligations heretofore authorized by prior
acts of the General Assembly. These authorized obligations shall
be issued and sold from time to time, subject to applicable
constitutional and statutory limitations, as needed to ensure
sufficient moneys to the credit of the Higher Education
Improvement Fund (Fund 034) to pay costs of capital facilities for
state-supported and state-assisted institutions of higher
education.

Section 291.10. THIRD FRONTIER PROJECT

The foregoing appropriation item CAP-068, Third Frontier
Project, shall be used to acquire, renovate, or construct
facilities and purchase equipment for research programs,
technology development, product development, and commercialization
programs at or involving state-supported and state-assisted
institutions of higher education. The funds shall be used to make
grants awarded on a competitive basis, and shall be administered
by the Third Frontier Commission. Expenditure of the funds shall
comply with Section 2n of Article VIII, Ohio Constitution, and
sections 151.01 and 151.04 of the Revised Code for the period
beginning July 1, 2006, and ending June 30, 2008.

The Third Frontier Commission shall develop guidelines
relative to the application for and selection of projects funded
from appropriation item CAP-068, Third Frontier Project. The
commission may develop the guidelines in consultation with other
interested parties. The Board of Regents and all state-assisted
and state-supported institutions of higher education shall take
all actions necessary to implement grants awarded by the Third
Frontier Commission.

The foregoing appropriation item CAP-068, Third Frontier Project, for which an appropriation is made from the Higher Education Improvement Fund (Fund 034), is determined to consist of capital improvements and capital facilities for state-supported and state-assisted institutions of higher education, and is designated for the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund (Fund 034) are to be applied.

Section 291.20. The foregoing appropriation item CAP-068, Third Frontier Project, is subject to Sections 256.30, 256.40, 256.50, 256.60, 256.70, and 256.80 of this act.

Section 293.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) that are not otherwise appropriated:

	Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-099 South Bass Island State Park	\$ 1,500,000	
Total Department of Natural Resources	\$ 1,500,000	
TOTAL Parks and Recreation Improvement Fund	\$ 1,500,000	

Section 293.20. DNR - PARKS AND RECREATION IMPROVEMENT

The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, Chapter 154. and particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$2,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to

the credit of the Parks and Recreation Improvement Fund (Fund 035) 33759
to pay costs of capital facilities for parks and recreation. 33760

Section 295.10. All items set forth in this section are 33761
hereby appropriated out of any moneys in the state treasury to the 33762
credit of the State Capital Improvements Fund (Fund 038) that are 33763
not otherwise appropriated: 33764

	Appropriations	
PWC PUBLIC WORKS COMMISSION		33765
CAP-150 Local Public Infrastructure	\$ 120,000,000	33766
Total Public Works Commission	\$ 120,000,000	33767
TOTAL State Capital Improvements Fund	\$ 120,000,000	33768

The foregoing appropriation item CAP-150, Local Public 33769
Infrastructure, shall be used in accordance with sections 164.01 33770
to 164.12 of the Revised Code. The Director of the Public Works 33771
Commission may certify to the Director of Budget and Management 33772
that a need exists to appropriate investment earnings to be used 33773
in accordance with sections 164.01 to 164.12 of the Revised Code. 33774
If the Director of Budget and Management determines pursuant to 33775
division (D) of section 164.08 and section 164.12 of the Revised 33776
Code that investment earnings are available to support additional 33777
appropriations, such amounts are hereby appropriated. 33778

Section 295.20. The Ohio Public Facilities Commission is 33779
hereby authorized to issue and sell, in accordance with Section 2m 33780
of Article VIII, Ohio Constitution, and pursuant to sections 33781
151.01 and 151.08 of the Revised Code, original obligations of the 33782
state, in an aggregate principal amount not to exceed 33783
\$120,000,000, in addition to the original obligations heretofore 33784
authorized by prior acts of the General Assembly. These authorized 33785
obligations shall be issued and sold from time to time, subject to 33786
applicable constitutional and statutory limitations, as needed to 33787

ensure sufficient moneys to the credit of the State Capital 33788
Improvements Fund (Fund 038) to pay costs of the state in 33789
financing or assisting in the financing of local subdivision 33790
capital improvement projects. 33791

Section 297.10. All items set forth in this section are 33792
hereby appropriated out of any moneys in the state treasury to the 33793
credit of the State Capital Improvements Revolving Loan Fund (Fund 33794
040). Revenues to the State Capital Improvements Revolving Loan 33795
Fund shall consist of all repayments of loans made to local 33796
subdivisions for capital improvements, investment earnings on 33797
moneys in the fund, and moneys obtained from federal or private 33798
grants or from other sources for the purpose of making loans for 33799
the purpose of financing or assisting in the financing of the cost 33800
of capital improvement projects of local subdivisions. 33801

Appropriations

PWC PUBLIC WORKS COMMISSION 33802
CAP-151 Revolving Loan \$ 24,100,000 33803
Total Public Works Commission \$ 24,100,000 33804
TOTAL State Capital Improvements Revolving 33805
Loan Fund \$ 24,100,000 33806

The foregoing appropriation item CAP-151, Revolving Loan, 33807
shall be used in accordance with sections 164.01 to 164.12 of the 33808
Revised Code. 33809

Section 299.10. All items set forth in this section are 33810
hereby appropriated out of any moneys in the state treasury to the 33811
credit of the Clean Ohio Conservation Fund (Fund 056) that are not 33812
otherwise appropriated: 33813

Appropriations

PWC PUBLIC WORKS COMMISSION 33814
CAP-152 Clean Ohio Conservation \$ 37,500,000 33815

Total Public Works Commission	\$ 37,500,000	33816
TOTAL Clean Ohio Conservation Fund	\$ 37,500,000	33817

Section 301.10. All items set forth in this section are 33819
 hereby appropriated out of any moneys in the state treasury to the 33820
 credit of the Clean Ohio Agricultural Easement Fund (Fund 057) 33821
 that are not otherwise appropriated: 33822

Appropriations

AGR DEPARTMENT OF AGRICULTURE		33823
CAP-047 Clean Ohio Agricultural Easement	\$ 6,250,000	33824
Total Department of Agriculture	\$ 6,250,000	33825
TOTAL Clean Ohio Agricultural Easement Fund	\$ 6,250,000	33826

Section 301.20. All items set forth in this section are 33828
 hereby appropriated out of any moneys in the state treasury to the 33829
 credit of the Clean Ohio Trail Fund (Fund 061) that are not 33830
 otherwise appropriated: 33831

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES		33832
CAP-014 Clean Ohio Trail	\$ 6,250,000	33833
Total Department of Natural Resources	\$ 6,250,000	33834
TOTAL Clean Ohio Trail Fund	\$ 6,250,000	33835

Section 301.30. The Ohio Public Facilities Commission is 33837
 hereby authorized to issue and sell, in accordance with Section 2o 33838
 of Article VIII, Ohio Constitution, and pursuant to sections 33839
 151.01 and 151.09 of the Revised Code, original obligations of the 33840
 state in an aggregate amount not to exceed \$50,000,000 in addition 33841
 to the original issuance of obligations heretofore authorized by 33842
 prior acts of the General Assembly. These authorized obligations 33843
 shall be issued and sold from time to time, subject to applicable 33844
 constitutional and statutory limitations, as needed to ensure 33845
 sufficient moneys to the credit of the Clean Ohio Conservation 33846

Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 33847
057), and the Clean Ohio Trail Fund (Fund 061) to pay costs of 33848
conservation projects. 33849

Section 303.10. All items set forth in this section are 33850
hereby appropriated out of any moneys in the state treasury to the 33851
credit of the State Fire Marshal Fund (Fund 546) that are not 33852
otherwise appropriated: 33853

		Appropriations	
COM DEPARTMENT OF COMMERCE			33854
CAP-114	Office and Dorm Addition	\$ 1,908,000	33855
Total Department of Commerce		\$ 1,908,000	33856
TOTAL State Fire Marshal Fund		\$ 1,908,000	33857

Section 305.10. All items set forth in this section are 33859
hereby appropriated out of any moneys in the state treasury to the 33860
credit of the Veterans' Home Improvement Fund (Fund 604) that are 33861
not otherwise appropriated: 33862

		Appropriations	
OVH OHIO VETERANS' HOME			33863
CAP-781	Secrest/Veterans' Hall Roof Replacement	\$ 552,500	33864
Total Ohio Veterans' Home		\$ 552,500	33865
TOTAL Veterans' Home Improvement Fund		\$ 552,500	33866

Section 401.10. CERTIFICATION OF AVAILABILITY OF MONEYS 33868

No moneys that require release shall be expended from any 33869
appropriation contained in this act without certification of the 33870
Director of Budget and Management that there are sufficient moneys 33871
in the state treasury in the fund from which the appropriation is 33872
made. Such certification made by the Office of Budget and 33873
Management shall be based on estimates of revenue, receipts, and 33874
expenses. Nothing herein shall be construed as a limitation on the 33875

authority of the Director of Budget and Management as granted in 33876
section 126.07 of the Revised Code. 33877

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 33878

The appropriations made in this act, excluding those made to 33879
the State Capital Improvement Fund (Fund 038) and the State 33880
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 33881
or structures, including remodeling and renovations, are limited 33882
to: 33883

(A) Acquisition of real property or interest in real 33884
property; 33885

(B) Buildings and structures, which includes construction, 33886
demolition, complete heating, lighting, and lighting fixtures, and 33887
all necessary utilities, ventilating, plumbing, sprinkling, and 33888
sewer systems, when such systems are authorized or necessary; 33889

(C) Architectural, engineering, and professional services 33890
expenses directly related to the projects; 33891

(D) Machinery that is a part of structures at the time of 33892
initial acquisition or construction; 33893

(E) Acquisition, development, and deployment of new computer 33894
systems, including the redevelopment or integration of existing 33895
and new computer systems, but excluding regular or ongoing 33896
maintenance or support agreements; 33897

(F) Equipment that meets all the following criteria: 33898

(1) The equipment is essential in bringing the facility up to 33899
its intended use. 33900

(2) The unit cost of the equipment, and not the individual 33901
parts of a unit, is about \$100 or more. 33902

(3) The equipment has a useful life of five years or more. 33903

(4) The equipment is necessary for the functioning of the particular facility or project. 33904
33905

No equipment shall be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation line items for equipment. 33906
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Section 401.30. CONTINGENCY RESERVE REQUIREMENT 33911

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, shall contain a contingency reserve, the amount of which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project. 33912
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Any funds remaining upon completion of a project, may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for another capital facilities project or projects. 33927
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Section 401.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS 33931
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Notwithstanding sections 123.01 and 123.15 of the Revised 33933

Code, the Director of Administrative Services may authorize the 33934
Departments of Mental Health, Mental Retardation and Developmental 33935
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 33936
Jobs and Family Services, Rehabilitation and Correction, Youth 33937
Services, Public Safety, Transportation, the Ohio Veterans' Home, 33938
and the Rehabilitation Services Commission to administer any 33939
capital facilities projects when the estimated cost, including 33940
design fees, construction, equipment, and contingency amounts, is 33941
less than \$1,500,000. Requests for authorization to administer 33942
capital facilities projects shall be made in writing to the 33943
Director of Administrative Services by the respective state agency 33944
within sixty days after the effective date of the act in which the 33945
General Assembly initially makes an appropriation for the project. 33946
Upon the release of funds for such projects by the Controlling 33947
Board or the Director of Budget and Management, the agency may 33948
administer the capital project or projects for which agency 33949
administration has been authorized without the supervision, 33950
control, or approval of the Director of Administrative Services. 33951

The state agency authorized by the Director of Administrative 33952
Services to administer capital facilities projects pursuant to 33953
this section shall comply with the applicable procedures and 33954
guidelines established in Chapter 153. of the Revised Code. 33955

Section 401.50. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 33956
AGAINST THE STATE 33957

Except as otherwise provided in this section, an 33958
appropriation contained in this act or any other act may be used 33959
for the purpose of satisfying judgments, settlements, or 33960
administrative awards ordered or approved by the Court of Claims 33961
or by any other court of competent jurisdiction in connection with 33962
civil actions against the state. This authorization shall not 33963
apply to appropriations to be applied to or used for payment of 33964

guarantees by or on behalf of the state or for payments under 33965
lease agreements relating to or debt service on bonds, notes, or 33966
other obligations of the state. Notwithstanding any other section 33967
of law to the contrary, this authorization includes appropriations 33968
from funds into which proceeds or direct obligations of the state 33969
are deposited only to the extent that the judgment, settlement, or 33970
administrative award is for or represents capital costs for which 33971
the appropriation may otherwise be used and is consistent with the 33972
purpose for which any related obligations were issued or entered 33973
into. Nothing contained in this section is intended to subject the 33974
state to suit in any forum in which it is not otherwise subject to 33975
suit, nor is it intended to waive or compromise any defense or 33976
right available to the state in any suit against it. 33977

Section 401.60. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 33978
AND MANAGEMENT 33979

Notwithstanding section 126.14 of the Revised Code, 33980
appropriations for appropriation items CAP-002, Local Jails, and 33981
CAP-003, Community-Based Correctional Facilities, appropriated 33982
from the Adult Correctional Building Fund (Fund 027) to the 33983
Department of Rehabilitation and Correction shall be released upon 33984
the written approval of the Director of Budget and Management. The 33985
appropriations from the Public School Building Fund (Fund 021), 33986
the Education Facilities Trust Fund (Fund N87), and the School 33987
Building Program Assistance Fund (Fund 032) to the School 33988
Facilities Commission, from the Transportation Building Fund (Fund 33989
029) to the Department of Transportation, from the Clean Ohio 33990
Conservation Fund (Fund 056) to the Public Works Commission, and 33991
appropriations from the State Capital Improvement Fund (Fund 038) 33992
and the State Capital Improvements Revolving Loan Fund (Fund 040) 33993
to the Public Works Commission shall be released upon presentation 33994
of a request to release the funds, by the agency to which the 33995

appropriation has been made, to the Director of Budget and 33996
Management. 33997

Section 401.70. PREVAILING WAGE REQUIREMENT 33998

Except as provided in section 4115.04 of the Revised Code, no 33999
moneys appropriated or reappropriated by the 126th General 34000
Assembly shall be used for the construction of public 34001
improvements, as defined in section 4115.03 of the Revised Code, 34002
unless the mechanics, laborers, or workers engaged therein are 34003
paid the prevailing rate of wages as prescribed in section 4115.04 34004
of the Revised Code. Nothing in this section shall affect the 34005
wages and salaries established for state employees under the 34006
provisions of Chapter 124. of the Revised Code, or collective 34007
bargaining agreements entered into by the state pursuant to 34008
Chapter 4117. of the Revised Code, while engaged on force account 34009
work, nor shall this section interfere with the use of inmate and 34010
patient labor by the state. 34011

Section 401.80. CAPITAL FACILITIES LEASES 34012

Capital facilities for which appropriations are made from the 34013
Highway Safety Building Fund (Fund 025), the Administrative 34014
Building Fund (Fund 026), the Adult Correctional Building Fund 34015
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 34016
may be leased by the Ohio Building Authority to the Department of 34017
Public Safety, the Department of Youth Services, the Department of 34018
Administrative Services, and the Department of Rehabilitation and 34019
Correction, and other agreements may be made by the Ohio Building 34020
Authority and the departments with respect to the use or purchase 34021
of such capital facilities, or subject to the approval of the 34022
director of the department or the commission, the Ohio Building 34023
Authority may lease such capital facilities to, and make other 34024
agreements with respect to the use or purchase thereof with, any 34025

governmental agency or nonprofit corporation having authority 34026
under law to own, lease, or operate such capital facilities. The 34027
director of the department or the commission may sublease such 34028
capital facilities to, and make other agreements with respect to 34029
the use or purchase thereof with, any such governmental agency or 34030
nonprofit corporation, which may include provisions for 34031
transmittal of receipts of that agency or nonprofit corporation of 34032
any charges for the use of such facilities, all upon such terms 34033
and conditions as the parties may agree upon and any other 34034
provision of law affecting the leasing, acquisition, or 34035
disposition of capital facilities by such parties. 34036

Section 401.90. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 34037
MANAGEMENT 34038

The Director of Budget and Management shall authorize both of 34039
the following: 34040

(A) The initial release of moneys for projects from the funds 34041
into which proceeds of direct obligations of the state are 34042
deposited. 34043

(B) The expenditure or encumbrance of moneys from funds into 34044
which proceeds of direct obligations are deposited, only after 34045
determining to the director's satisfaction that either of the 34046
following apply: 34047

(1) The application of such moneys to the particular project 34048
will not negatively affect any exemption or exclusion from federal 34049
income tax of the interest or interest equivalent on obligations, 34050
issued to provide moneys to the particular fund. 34051

(2) Moneys for the project will come from the proceeds of 34052
obligations, the interest on which is not so excluded or exempt 34053
and which have been authorized as "taxable obligations" by the 34054
issuing authority. 34055

The director shall report any nonrelease of moneys pursuant 34056
to this section to the Governor, the presiding officer of each 34057
house of the General Assembly, and the agency for the use of which 34058
the project is intended. 34059

Section 403.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 34060

The Ohio Administrative Knowledge System (OAKS) shall be an 34061
enterprise resource planning system that replaces the state's 34062
central services infrastructure systems, including, but not 34063
limited to, the central accounting system, the human 34064
resources/payroll system, the capital improvements projects 34065
tracking system, the fixed assets management system, and the 34066
procurement system. The Department of Administrative Services, in 34067
conjunction with the Office of Budget and Management, may acquire 34068
the system, including, but not limited to, the enterprise resource 34069
planning software and installation and implementation thereof 34070
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 34071
arrangement utilized under Chapter 125. of the Revised Code, 34072
including any fractionalized interest therein as defined in 34073
division (N) of section 133.01 of the Revised Code, shall provide 34074
at the end of the lease periods that OAKS becomes the property of 34075
the state. 34076

Section 403.20. SCHOOL FACILITIES ENCUMBRANCES AND 34077
REAPPROPRIATION 34078

At the request of the Executive Director of the Ohio School 34079
Facilities Commission, the Director of Budget and Management may 34080
cancel encumbrances for school district projects from a previous 34081
biennium if the district has not raised its local share of project 34082
costs within one year of receiving Controlling Board approval in 34083
accordance with section 3318.05 of the Revised Code. The Executive 34084
Director of the Ohio School Facilities Commission shall certify 34085

the amounts of these canceled encumbrances to the Director of 34086
Budget and Management on a quarterly basis. The amounts of the 34087
canceled encumbrances are hereby appropriated. 34088

Section 403.30. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 34089
BALANCES OF CAPITAL APPROPRIATIONS 34090

(A) An unexpended balance of a capital appropriation or 34091
reappropriation that a state agency has lawfully encumbered prior 34092
to the close of a capital biennium is hereby reappropriated for 34093
the following capital biennium from the fund from which it was 34094
originally appropriated or was reappropriated and shall be used 34095
only for the purpose of discharging the encumbrance in the 34096
following capital biennium. For those encumbered appropriations or 34097
reappropriations, any Controlling Board approval previously 34098
granted and referenced by the encumbering document remains in 34099
effect until the encumbrance is discharged in the following 34100
capital biennium or until the encumbrance expires at the end of 34101
the following capital biennium. 34102

(B) At the end of the reappropriation period provided for by 34103
division (A) of this section, an unexpended balance of a capital 34104
appropriation or reappropriation that remains encumbered at the 34105
end of that period is hereby reappropriated for the next capital 34106
biennium from the fund from which it was originally appropriated 34107
or was reappropriated and shall be used only for the purpose of 34108
discharging the encumbrance in the next capital biennium. For 34109
those encumbered appropriations or reappropriations, any 34110
Controlling Board approval previously granted and referenced by 34111
the encumbering document remains in effect until the encumbrance 34112
is discharged in the next capital biennium or until the 34113
encumbrance expires at the end of the next capital biennium. 34114

(C) At the end of the reappropriation period provided for by 34115
division (B) of this section, a reappropriation made pursuant to 34116

division (B) of this section shall lapse, and the encumbrance 34117
shall expire. 34118

(D) If an encumbrance expired pursuant to division (C) of 34119
this section, the Director of Budget and Management may 34120
re-establish the encumbrance as provided in this division. If a 34121
reappropriation for a project is made by the General Assembly for 34122
the biennium immediately following the biennium in which an 34123
encumbrance for that project expired, the Director of Budget and 34124
Management may re-establish the encumbrance in an amount not to 34125
exceed the amount of the expired encumbrance, in the name of the 34126
contractor named in the expired encumbrance, and for the same 34127
purpose specified in the expired encumbrance. The encumbrance 34128
amount shall be in addition to the amount of the reappropriation 34129
and is hereby reappropriated. The amount re-encumbered shall be 34130
used only for the purpose of discharging the encumbrance in the 34131
capital biennium for which the reappropriation was made. For those 34132
re-encumbered reappropriations, any Controlling Board approval 34133
previously granted and referenced by the expired encumbering 34134
document remains in effect until the encumbrance is discharged or 34135
expires at the end of the capital biennium for which the 34136
reappropriation was made. If any portion of the amount 34137
re-encumbered by the Director of Budget and Management under this 34138
division is not expended prior to the close of the capital 34139
biennium for which the reappropriation was made, that amount is 34140
hereby reappropriated for the following capital biennium as 34141
provided for in division (A) of this section and subject to the 34142
provisions of division (A) of this section. 34143

Section 403.40. Capital reappropriations in this act that 34144
have been released by the Controlling Board or the Director of 34145
Budget and Management between June 30, 2004, and July 1, 2006, do 34146
not require further approval or release prior to being encumbered. 34147

Funds reappropriated in excess of such prior releases shall be 34148
released in accordance with applicable provisions of this act. 34149

Section 403.50. Unless otherwise specified, the 34150
reappropriations made in this act represent the unencumbered and 34151
unallotted balances of prior years' capital improvements 34152
appropriations estimated to be available on June 30, 2006. The 34153
actual balances on June 30, 2006, for the appropriation items in 34154
this act are hereby reappropriated. Additionally, there is hereby 34155
reappropriated the unencumbered and unallotted balances on June 34156
30, 2006, of any appropriation items either reappropriated in Am. 34157
Sub. S.B. 189 of the 125th General Assembly or appropriated in Am. 34158
Sub. H.B. 16 of the 126th General Assembly, or created by the 34159
Controlling Board pursuant to section 127.15 of the Revised Code 34160
from appropriation items in Am. Sub. S.B. 189 of the 125th General 34161
Assembly and Am. Sub. H.B. 16 of the 126th General Assembly, and 34162
this act, if the Director of Budget and Management determines that 34163
such balances are needed to complete the projects for which they 34164
were reappropriated or appropriated. The appropriation items and 34165
amounts that are reappropriated by this act shall be reported to 34166
the Controlling Board within 30 days after the effective date of 34167
this section. 34168

Section 403.60. No appropriation for a health care facility 34169
authorized under this act may be released until the requirements 34170
of sections 3702.51 to 3702.68 of the Revised Code have been met. 34171

Section 403.70. All proceeds received by the state as a 34172
result of litigation, judgments, settlements, or claims, filed by 34173
or on behalf of any state agency as defined by section 1.60 of the 34174
Revised Code or any state-supported or state-assisted institution 34175
of higher education, for damages or costs resulting from the use, 34176
removal, or hazard abatement of asbestos materials shall be 34177

deposited in the Asbestos Abatement Distribution Fund (Fund 674). 34178
All funds deposited into the Asbestos Abatement Distribution Fund 34179
are hereby appropriated to the Attorney General. To the extent 34180
practicable, the proceeds placed in the Asbestos Abatement 34181
Distribution Fund shall be divided among the state agencies and 34182
state-supported or state-assisted institutions of higher education 34183
in accordance with the general provisions of the litigation 34184
regarding the percentage of recovery. Distribution of the proceeds 34185
to each state agency or state-supported or state-assisted 34186
institution of higher education shall be made in accordance with 34187
the Asbestos Abatement Distribution Plan to be developed by the 34188
Attorney General, the Division of Public Works within the 34189
Department of Administrative Services, and the Office of Budget 34190
and Management. 34191

In those circumstances where asbestos litigation proceeds are 34192
for reimbursement of expenditures made with funds outside the 34193
state treasury or damages to buildings not constructed with state 34194
appropriations, direct payments shall be made to the affected 34195
institutions of higher education. Any proceeds received for 34196
reimbursement of expenditures made with funds within the state 34197
treasury or damages to buildings occupied by state agencies shall 34198
be distributed to the affected agencies with an intrastate 34199
transfer voucher to the funds identified in the Asbestos Abatement 34200
Distribution Plan. 34201

Such proceeds shall be used for additional asbestos abatement 34202
or encapsulation projects, or for other capital improvements, 34203
except that proceeds distributed to the General Revenue Fund and 34204
other funds that are not bond improvement funds may be used for 34205
any purpose. The Controlling Board may, for bond improvement 34206
funds, create appropriation items or increase appropriation 34207
authority in existing appropriation items equaling the amount of 34208
such proceeds. Such amounts approved by the Controlling Board are 34209

hereby appropriated. Such proceeds deposited in bond improvement 34210
funds shall not be expended until released by the Controlling 34211
Board, which shall require certification by the Director of Budget 34212
and Management that such proceeds are sufficient and available to 34213
fund the additional anticipated expenditures. 34214

Section 403.80. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 34215
REVISED CODE 34216

The capital improvements for which appropriations are made in 34217
this act from the Ohio Parks and Natural Resources Fund (Fund 34218
031), the School Building Program Assistance Fund (Fund 032), the 34219
Higher Education Improvement Fund (Fund 034), the State Capital 34220
Improvements Fund (Fund 038), the Clean Ohio Conservation Fund 34221
(Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), 34222
and the Clean Ohio Trail Fund (Fund 061) are determined to be 34223
capital improvements and capital facilities for natural resources, 34224
a statewide system of common schools, state-supported and 34225
state-assisted institutions of higher education, local subdivision 34226
capital improvement projects, and conservation purposes (under the 34227
Clean Ohio Program) and are designated as capital facilities to 34228
which proceeds of obligations issued under Chapter 151. of the 34229
Revised Code are to be applied. 34230

Section 403.90. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 34231
REVISED CODE 34232

The capital improvements for which appropriations are made in 34233
this act from the Highway Safety Building Fund (Fund 025), the 34234
Administrative Building Fund (Fund 026), the Adult Correctional 34235
Building Fund (Fund 027), the Juvenile Correctional Building Fund 34236
(Fund 028), and the Transportation Building Fund (Fund 029) are 34237
determined to be capital improvements and capital facilities for 34238
housing state agencies and branches of state government and are 34239

designated as capital facilities to which proceeds of obligations 34240
issued under Chapter 152. of the Revised Code are to be applied. 34241

Section 405.10. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 34242
REVISED CODE 34243

The capital improvements for which appropriations are made in 34244
this act from the Cultural and Sports Facilities Building Fund 34245
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 34246
033), and the Parks and Recreation Improvement Fund (Fund 035) are 34247
determined to be capital improvements and capital facilities for 34248
housing state agencies and branches of government, mental hygiene 34249
and retardation, and parks and recreation and are designated as 34250
capital facilities to which proceeds of obligations issued under 34251
Chapter 154. of the Revised Code are to be applied. 34252

Section 405.20. Upon the request of the agency to which a 34253
capital project appropriation item is appropriated, the Director 34254
of Budget and Management may transfer open encumbrance amounts 34255
between separate encumbrances for the project appropriation item 34256
to the extent that any reductions in encumbrances are agreed to by 34257
the contracting vendor and the agency. 34258

Section 405.30. Any proceeds received by the state as the 34259
result of litigation or a settlement agreement related to any 34260
liability for the planning, design, engineering, construction, or 34261
constructed management of such facilities operated by the 34262
Department of Administrative Services shall be deposited into the 34263
Administrative Building Fund (Fund 026). 34264

Section 405.40. Sections 203.10 to 405.30 of this act shall 34265
remain in full force and effect commencing on July 1, 2006, and 34266
terminating on June 30, 2008, for the purpose of drawing money 34267
from the state treasury in payment of liabilities lawfully 34268

incurred hereunder, and on June 30, 2008, and not before, the 34269
moneys hereby appropriated shall lapse into the funds from which 34270
they are severally appropriated. If, under Section 1c of Article 34271
II, Ohio Constitution, Section 1c, Sections 203.10 to 405.30 of 34272
this act do not take effect until after July 1, 2006, Sections 34273
203.10 to 405.30 of this act shall be and remain in full force and 34274
effect commencing on that later effective date. 34275

Section 405.50. TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY 34276
ASSISTANCE FUND (FUND 5H3) 34277

Notwithstanding any provision of law to the contrary, upon 34278
the request of the Superintendent of Public Instruction, the 34279
Director of Budget and Management may make transfers of cash to 34280
the School District Solvency Assistance Fund (Fund 5H3) from any 34281
Department of Education administered fund or the General Revenue 34282
Fund to maintain sufficient cash balances in the School District 34283
Solvency Assistance Fund (Fund 5H3) in fiscal years 2006 and 2007 34284
for providing assistance and grants to school districts to enable 34285
them to remain solvent and to pay unforeseeable expenses of a 34286
temporary or emergency nature that they are unable to pay from 34287
existing resources. The Director of Budget and Management shall 34288
notify the members of the Controlling Board of any such transfers. 34289

This section is not subject to the referendum. Therefore, 34290
under Ohio Constitution, Article II, Section 1d and section 1.471 34291
of the Revised Code, this section goes into immediate effect when 34292
this act becomes law. 34293

Section 405.60. The amendment of section 6301.03 of the 34294
Revised Code by Am. Sub. S.B. 189 of the 125th General Assembly 34295
applies on and after July 1, 2004. Local areas and sub-recipients 34296
of a local area may continue to use the public assistance fund to 34297
facilitate close out of workforce development activities conducted 34298

pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 34299
29 U.S.C. 2801, as amended, or Chapter 6301. of the Revised Code 34300
that occurred prior to July 1, 2004. 34301

Section 506.03. (A) If money deposited into an escrow account 34302
under section 153.63 of the Revised Code by the Department of 34303
Administrative Services has not been released pursuant to that 34304
section due to the failure of the contractor, within a reasonable 34305
time, to give notice requesting release, the money shall be 34306
released pursuant to division (B) of this section to the Director 34307
of Administrative Services, who shall deposit it to the credit of 34308
the State Architect's Fund created under section 123.10 of the 34309
Revised Code. 34310

(B) Notwithstanding section 153.63 of the Revised Code, the 34311
escrow agent in charge of the money described in division (A) of 34312
this section shall release the money to the Director if both of 34313
the following occur: 34314

(1) The Director notifies the contractor of the existence of 34315
the escrowed amount in writing, sent by certified mail to the 34316
contractor's last known address and to the last known address of 34317
the contractor's statutory agent, if such agent exists; 34318

(2) The contractor or statutory agent fails to respond to the 34319
notice by the date that is thirty days after the date the notice 34320
is sent. 34321

(C) Money released to the Director pursuant to this section 34322
shall be considered an additional fee related to the 34323
administration of the contract for which the escrow deposit was 34324
made. 34325

Section 512.03. CASH TRANSFER TO DEPARTMENT OF HEALTH'S 34326
GENERAL OBLIGATIONS FUND 34327

Not later than 30 days after the effective date of this 34328

section, the Director of Budget and Management shall transfer 34329
\$103,981.68 cash from the Adjutant General's Department's Camp 34330
Perry Clubhouse and Rental Fund (Fund 536) to the Department of 34331
Health's General Obligations Fund (Fund 392). 34332

Section 512.06. TRANSFERS TO STATE NEED-BASED FINANCIAL AID 34333
PROGRAMS 34334

In fiscal year 2006, if the Chancellor of the Board of 34335
Regents determines that additional funds are needed to support the 34336
distribution of state need-based financial aid in accordance with 34337
section 3333.12 of the Revised Code, the Chancellor shall 34338
recommend the reallocation of unencumbered and unobligated 34339
appropriation balances of General Revenue Fund appropriation items 34340
within the Board of Regents to GRF appropriation item 235-503, 34341
Ohio Instructional Grants. If the Director of Budget and 34342
Management determines that such a reallocation is required, the 34343
Director may transfer those identified unencumbered and 34344
unobligated funds within the Board of Regents as necessary to GRF 34345
appropriation item 235-503, Ohio Instructional Grants. The amounts 34346
transferred to appropriation item 235-503, Ohio Instructional 34347
Grants, are hereby appropriated. If those unencumbered and 34348
unobligated funds are not sufficient to support the distribution 34349
of state need-based financial aid in accordance with section 34350
3333.12 of the Revised Code in fiscal year 2006, the Director of 34351
Budget and Management may increase the appropriation from the 34352
General Revenue Fund of appropriation item 235-503, Ohio 34353
Instructional Grants, in fiscal year 2006 by up to \$30,000,000. 34354

In fiscal year 2007, if the Chancellor of the Board of 34355
Regents determines that additional funds are needed to support the 34356
distribution of state need-based financial aid in accordance with 34357
sections 3333.12 and 3333.122 of the Revised Code, the Chancellor 34358
shall recommend the reallocation of unencumbered and unobligated 34359

appropriation balances of General Revenue Fund appropriation items 34360
within the Board of Regents to GRF appropriation items 235-503, 34361
Ohio Instructional Grants, and 235-563, Ohio College Opportunity 34362
Grant. If the Director of Budget and Management determines that 34363
such a reallocation is required, the Director may transfer those 34364
identified unencumbered and unobligated funds within the Board of 34365
Regents as necessary to GRF appropriation items 235-503, Ohio 34366
Instructional Grants, and 235-563, Ohio College Opportunity Grant. 34367
The amounts transferred to appropriation items 235-503, Ohio 34368
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 34369
are hereby appropriated. If those unencumbered and unobligated 34370
funds are not sufficient to support the distribution of state 34371
need-based financial aid in accordance with sections 3333.12 and 34372
3333.122 of the Revised Code in fiscal year 2007, the Director of 34373
Budget and Management may increase the appropriation from the 34374
General Revenue Fund of appropriation items 235-503, Ohio 34375
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 34376
in fiscal year 2007. The combined increase to appropriation items 34377
235-503, Ohio Instructional Grants, and 235-563, Ohio College 34378
Opportunity Grant, authorized under this section shall not exceed 34379
\$30,000,000 in fiscal year 2007. 34380

Section 512.12. DEPARTMENT OF MENTAL RETARDATION AND 34381
DEVELOPMENTAL DISABILITIES 34382

By June 30, 2006, or as soon as possible thereafter, the 34383
Director of Budget and Management shall, to fulfill the 34384
requirement of section 5123.23 of the Revised Code, transfer 34385
\$4,163.90 cash from the Miscellaneous Revenue Fund (Fund 152 in 34386
the Department of Mental Retardation and Developmental 34387
Disabilities) to the General Revenue Fund. 34388

Section 512.15. TRANSFER TO DEPARTMENT OF JOB AND FAMILY 34389

SERVICES FOR PACE PAYMENTS	34390
The Director of Job and Family Services and the Director of Aging may certify on a quarterly basis to the Director of Budget and Management the nonfederal amount paid to PACE providers for Medicaid services. On receipt of the certification, the Director of Budget and Management may:	34391 34392 34393 34394 34395
(1) Transfer appropriations equal to the amount certified from GRF appropriation item 490-421, PACE, to GRF appropriation item 600-525, Health Care/Medicaid;	34396 34397 34398
(2) Increase the appropriation of GRF appropriation item 600-525, Health Care/Medicaid, by the corresponding federal share; and	34399 34400 34401
(3) Decrease the appropriation in appropriation item 490-621, PACE-Federal, (Fund 3C4) by the corresponding federal share.	34402 34403
Section 512.18. TRANSFER TO THE DEPARTMENT OF JOB AND FAMILY SERVICES FROM THE DEPARTMENT OF EDUCATION	34404 34405
Transfers from the Department of Education to the Department of Job and Family Services pursuant to section 3317.023 of the Revised Code are hereby appropriated to appropriation item 600-671, Medicaid Program Support. Federal funds generated by expenditure of the transfers are hereby appropriated to appropriation item 600-623, Health Care Federal. Within seven days after initiating the transfer, the Director of Job and Family Services shall notify the Director of Budget and Management of the transfer.	34406 34407 34408 34409 34410 34411 34412 34413 34414
Section 515.03. (A) The Director of Budget and Management shall, on the effective date of this section, supersede and replace the Auditor of State in all matters relating to the drawing of warrants for the payment or transfer of money from the	34415 34416 34417 34418

state treasury (referred to in this section as "the payment
function"). With respect to the payment function, the Director
shall succeed to and perform all of the duties, powers, and
obligations of the Auditor of State provided for by law.

(B) Any aspect of the payment function commenced but not
completed by the Auditor of State on the effective date of this
section shall be completed by the Director or the staff of the
Office of Budget and Management in the same manner, and with the
same effect, as if completed by the Auditor of State or the staff
of the Auditor of State. Any validation, cure, right, privilege,
remedy, obligation, or liability related to the payment function
is not lost or impaired by reason of the transfer required by this
section and shall be administered by the Office of Budget and
Management. All of the rules, orders, and determinations of the
Auditor of State in relation to the payment function continue in
effect as rules, orders, and determinations of the Director of
Budget and Management until modified or rescinded by the Director.
At the request of the Auditor of State and if necessary to ensure
the integrity of the numbering of the Administrative Code, the
Director of the Legislative Service Commission shall renumber
rules of the Auditor of State in relation to the payment function
to reflect the transfer to the Director of Budget and Management.

(C) Subject to the lay-off provisions of sections 124.321 to
124.328 of the Revised Code, the Auditor of State and the Director
of Budget and Management shall identify the employees of the
Auditor of State assigned to or responsible for the payment
function who shall be transferred to the Office of Budget and
Management. The transfer shall take effect on July 1, 2007, or as
soon as possible thereafter.

(D) Whenever the Auditor of State in relation to the payment
function is referred to in any law, contract, or other document,

the reference shall be deemed to refer to the Director of Budget and Management. 34450
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(E) Any action or proceeding that is related to the payment function and is pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Director of Budget and Management or the Office of Budget and Management. In all such actions and proceedings the Director or the Office, upon application to the court, shall be substituted as a party. 34452
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Section 515.06. (A) The Director of Administrative Services, the Director of Agriculture, the Director of Health, and the Director of Environmental Protection shall enter into a memorandum of understanding concerning the co-location at the Department of Agriculture's campus in Reynoldsburg of the Department of Agriculture, Department of Health, and Ohio Environmental Protection Agency laboratory and related office and storage facilities. The memorandum shall include the agreed upon obligations and responsibilities of the agencies relative to the facilities, and it and any later revision shall not take effect unless approved by the Director of Budget and Management. 34459
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(B) Notwithstanding division (A)(12) of section 123.01 of the Revised Code, and as shall be specified in the memorandum, the Department of Agriculture shall be responsible for the maintenance and care of the co-located facilities, the cost of which care shall be itemized and proportionately allocated among the Department of Agriculture, the Department of Health, and the Ohio Environmental Protection Agency. Except for this requirement, nothing in this section affects the authority of the Department of Administrative Services under section 123.01 of the Revised Code. 34470
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(C) If required, the Office of Budget and Management and Department of Administrative Services shall assist in addressing 34479
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issues regarding the memorandum's implementation. 34481

Section 606.05. That Section 3 of Sub. H.B. 11 of the 126th 34482
General Assembly be amended to read as follows: 34483

Sec. 3. (A) Notwithstanding anything to the contrary in 34484
division ~~(E)~~(D) of section 3317.024 of the Revised Code, in 34485
section 3317.07 of the Revised Code or in rules adopted under that 34486
section, or in Section 206.09.21 of Am. Sub. H.B. 66 of the 126th 34487
General Assembly, during fiscal year 2006 only, upon receipt of a 34488
waiver granted by the Superintendent of Public Instruction a 34489
school district, educational service center, or county MR/DD board 34490
may use the portion of the funds paid under appropriation item 34491
200-503, Bus Purchase Allowance, as approved in the waiver for 34492
purchasing fuel for school buses. 34493

(B) In the manner specified by the Superintendent of Public 34494
Instruction for purposes of this section, a school district, 34495
educational service center, or county MR/DD board may apply to the 34496
Superintendent for a waiver to use funds paid during fiscal year 34497
2006 under appropriation item 200-503, Bus Purchase Allowance, to 34498
purchase fuel for school buses. The Superintendent shall require 34499
the school district, educational service center, or county MR/DD 34500
board to report to the Superintendent by December 31, 2005, its 34501
total expenditures for fuel for buses in fiscal year 2005 and its 34502
estimated expenditures for fuel for buses in fiscal year 2006. The 34503
Superintendent may grant a waiver to a school district, 34504
educational service center, or county MR/DD board only if the 34505
following conditions are met: 34506

(1) The district, service center, or county MR/DD board 34507
demonstrates to the Superintendent's satisfaction that it has a 34508
sufficient supply of buses or contracted bus service to meet its 34509
pupil transportation obligations for fiscal year 2006 without 34510

spending all or part of its allocation of funds under 34511
appropriation item 200-503, Bus Purchase Allowance. 34512

(2) The district's, service center's, or county MR/DD board's 34513
estimate of expenditures for fuel for buses in fiscal year 2006 is 34514
higher than its expenditures for fuel for buses in fiscal year 34515
2005. 34516

The Superintendent shall prescribe in the waiver the portion 34517
of those funds allocated to the school district, service center, 34518
or county MR/DD board under appropriation item 200-503, Bus 34519
Purchase Allowance, that may be used for purchasing fuel for 34520
buses, which portion shall not exceed the difference between the 34521
estimated expenditures for fuel for buses in fiscal year 2006 and 34522
the expenditures for fuel for buses in fiscal year 2005. 34523

(C) Not later than July 31, 2006, each school district, 34524
educational service center, and county MR/DD board that receives a 34525
waiver under this section shall report to the Superintendent of 34526
Public Instruction its actual expenditures to purchase fuel for 34527
school buses in fiscal year 2006. If the Superintendent determines 34528
that the district, service center, or county MR/DD board did not 34529
spend all of the funds from appropriation item 200-503, Bus 34530
Purchase Allowance, prescribed in the waiver to purchase fuel for 34531
buses, the district, service center, or county MR/DD board shall 34532
allocate the remainder of those funds for school bus purchases in 34533
fiscal year 2007. 34534

(D) The Office of Pupil Transportation within the Department 34535
of Education may audit school districts, educational service 34536
centers, and county MR/DD boards that apply for waivers to ensure 34537
the accuracy of the data reported under this section. If the 34538
Office finds that a district, service center, or county MR/DD 34539
board has reported data inaccurately, the Department shall apply 34540
division (L) of section 3301.0714 of the Revised Code to that 34541

district, service center, or county MR/DD board. 34542

Section 606.06. That existing Section 3 of Sub. H.B. 11 of 34543
the 126th General Assembly is hereby repealed. 34544

Section 606.17. That Sections 203.09, 203.12, 203.12.12, 34545
203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 34546
203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 34547
206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 206.16, 34548
206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 34549
206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 34550
206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 34551
209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 34552
209.63, 209.63.42, 209.64.60, 209.75, 209.81, 209.90.06, 212.03, 34553
212.24, 212.27, 212.30, 212.33, and 315.03 of Am. Sub. H.B. 66 of 34554
the 126th General Assembly be amended to read as follows: 34555
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Sec. 203.09. ADJ ADJUTANT GENERAL 34557

General Revenue Fund 34558

GRF 745-401 Ohio Military Reserve \$ 15,188 \$ 15,188 34559

GRF 745-404 Air National Guard \$ 1,939,762 \$ 1,939,762 34560

GRF 745-407 National Guard \$ 1,400,000 \$ 1,400,000 34561

Benefits

GRF 745-409 Central Administration \$ 3,949,590 \$ 3,949,590 34562

GRF 745-499 Army National Guard \$ 4,086,222 \$ 4,086,222 34563

GRF 745-502 Ohio National Guard \$ 102,973 \$ 102,973 34564

Unit Fund

TOTAL GRF General Revenue Fund \$ 11,493,735 \$ 11,493,735 34565

General Services Fund Group 34566

534 745-612 Armory Improvements \$ 534,304 \$ 534,304 34567

536 745-620 Camp Perry/Buckeye Inn \$ 1,094,970 \$ 1,094,970 34568

		Operations					
537	745-604	Ohio National Guard	\$	219,826	\$	219,826	34569
		Facility Maintenance					
		TOTAL GSF General Services Fund	\$	1,849,100	\$	1,849,100	34570
		Group					
		Federal Special Revenue Fund Group					34571
3E8	745-628	Air National Guard	\$	12,174,760	\$	12,174,760	34572
		Agreement					
3R8	745-603	Counter Drug	\$	25,000	\$	25,000	34573
		Operations					
341	745-615	Air National Guard	\$	2,424,740	\$	2,424,740	34574
		Base Security					
342	745-616	Army National Guard	\$	8,686,893	\$	8,686,893	34575
		Agreement					
		TOTAL FED Federal Special Revenue	\$	23,311,393	\$	23,311,393	34576
		Fund Group					
		State Special Revenue Fund Group					34577
<u>5DN</u>	<u>745-618</u>	<u>Service Medal</u>	<u>\$</u>	<u>1,500</u>	<u>\$</u>	<u>0</u>	34578
		Production					
5U8	745-613	Community Match	\$	90,000	\$	91,800	34579
		Armories					
528	745-605	Marksmanship	\$	126,078	\$	128,600	34580
		Activities					
		TOTAL SSR State Special Revenue	\$	216,078	\$	220,400	34581
		Fund Group		<u>217,578</u>			
		TOTAL ALL BUDGET FUND GROUPS	\$	36,870,306	\$	36,874,628	34582
				<u>36,871,806</u>			
		NATIONAL GUARD BENEFITS					34583
		The foregoing appropriation item 745-407, National Guard					34584
		Benefits, shall be used for purposes of sections 5919.31 and					34585
		5919.33 of the Revised Code, and for administrative costs of the					34586
		associated programs.					34587

For active duty members of the Ohio National Guard who died 34588
after October 7, 2001, while performing active duty, the death 34589
benefit, pursuant to section 5919.33 of the Revised Code, shall be 34590
paid to the beneficiary or beneficiaries designated on the 34591
member's Servicemembers' Group Life Insurance Policy. 34592

STATE ACTIVE DUTY COSTS 34593

Of the foregoing appropriation item 745-409, Central 34594
Administration, \$50,000 in each fiscal year shall be used for the 34595
purpose of paying expenses related to state active duty of members 34596
of the Ohio organized militia, in accordance with a proclamation 34597
of the Governor. Expenses include, but are not limited to, the 34598
cost of equipment, supplies, and services, as determined by the 34599
Adjutant General's Department. 34600

NATIONAL GUARD SERVICE MEDAL PRODUCTION 34601

The foregoing appropriation item 745-618, Service Medal 34602
Production, shall be used to cover costs of production of the 34603
Commemorative National Guard Service Medal pursuant to section 34604
5919.19 of the Revised Code. 34605

CASH TRANSFER TO NATIONAL GUARD SERVICE MEDAL FUND 34606

At the request of the Adjutant General, the Director of 34607
Budget and Management may transfer up to \$1,500 cash from the 34608
General Revenue Fund to the National Guard Service Medal Fund 34609
(Fund 5DN) in fiscal year 2006. 34610

Sec. 203.12. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 34611

General Revenue Fund 34612

GRF 100-403	Public School Employee	\$	1,200,000	\$	1,500,000	34613
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Benefits

GRF 100-404	CRP Procurement	\$	248,040	\$	268,040	34614
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Program

GRF 100-405	Agency Audit Expenses	\$	329,000	\$	329,000	34615
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GRF 100-406	County & University Human Resources Services	\$	60,000	\$	60,000	34616
GRF 100-410	Veterans' Records Conversion	\$	69,000	\$	48,600	34617
GRF 100-418	Web Sites and Business Gateway	\$	3,275,280	\$	3,275,280	34618
GRF 100-419	IT Security Infrastructure	\$	1,636,247	\$	1,636,247	34619
GRF 100-421	OAKS Project Implementation	\$	484,000	\$	410,839	34620
GRF 100-433	State of Ohio Computer Center	\$	4,991,719	\$	4,991,719	34621
GRF 100-439	Equal Opportunity Certification Programs	\$	726,481	\$	728,384	34622
GRF 100-447	OBA - Building Rent Payments	\$	115,740,400	\$	116,091,300	34623
GRF 100-448	OBA - Building Operating Payments	\$	25,393,250	\$	25,647,183	34624
GRF 100-449	DAS - Building Operating Payments	\$	4,160,383	\$	4,170,623	34625
GRF 100-451	Minority Affairs	\$	47,000	\$	47,000	34626
GRF 100-734	Major Maintenance - State Bldgs	\$	50,000	\$	50,000	34627
GRF 102-321	Construction Compliance	\$	1,190,959	\$	1,206,779	34628
GRF 130-321	State Agency Support Services	\$	2,693,788	\$	2,668,986	34629
TOTAL GRF	General Revenue Fund	\$	162,295,547	\$	163,129,980	34630
	General Services Fund Group					34631
112 100-616	DAS Administration	\$	5,221,393	\$	5,299,427	34632
115 100-632	Central Service Agency	\$	466,517	\$	485,178	34633
					<u>860,878</u>	

117	100-644	General Services Division - Operating	\$	6,834,247	\$	7,245,772	34634
122	100-637	Fleet Management	\$	4,025,043	\$	4,032,968	34635
125	100-622	Human Resources Division - Operating	\$	18,864,179	\$	19,220,614	34636
127	100-627	Vehicle Liability Insurance	\$	3,344,644	\$	3,344,644	34637
128	100-620	Collective Bargaining	\$	3,410,952	\$	3,410,952	34638
130	100-606	Risk Management Reserve	\$	223,904	\$	223,904	34639
131	100-639	State Architect's Office	\$	6,977,274	\$	7,047,427	34640
132	100-631	DAS Building Management	\$	10,721,430	\$	11,066,228	34641
133	100-607	IT Services Delivery	\$	81,418,432	\$	80,345,564	34642
188	100-649	Equal Opportunity Division - Operating	\$	993,378	\$	1,010,256	34643
201	100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	34644
210	100-612	State Printing	\$	5,931,421	\$	5,931,421	34645
229	100-630	IT Governance	\$	18,531,812	\$	17,601,712	34646
4N6	100-617	Major IT Purchases	\$	10,617,166	\$	10,617,166	34647
4P3	100-603	DAS Information Services	\$	5,902,099	\$	6,117,004	34648
427	100-602	Investment Recovery	\$	5,580,208	\$	5,683,564	34649
5C2	100-605	MARCS Administration	\$	9,268,178	\$	9,268,178	34650
5C3	100-608	Skilled Trades	\$	1,406,278	\$	1,434,982	34651
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	34652
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000	34653
5V6	100-619	Employee Educational Development	\$	936,129	\$	936,129	34654
TOTAL GSF General Services Fund							34655

Group	\$	216,927,684	\$	216,576,090	34656
				<u>216,951,790</u>	
Federal Special Revenue Fund Group					34657
3AJ 100-623 Information Technology	\$	82,048	\$	82,048	34658
Grants					
TOTAL FSR Federal Special Revenue	\$	82,048	\$	82,048	34659
Fund Group					
Agency Fund Group					34660
124 100-629 Payroll Deductions	\$	2,050,000,000	\$	2,050,000,000	34661
TOTAL AGY Agency Fund Group	\$	2,050,000,000	\$	2,050,000,000	34662
Holding Account Redistribution Fund Group					34663
R08 100-646 General Services	\$	20,000	\$	20,000	34664
Refunds					
TOTAL 090 Holding Account					34665
Redistribution Fund Group	\$	20,000	\$	20,000	34666
TOTAL ALL BUDGET FUND GROUPS	\$	2,429,325,279	\$	2,429,808,118	34667
				<u>2,430,183,818</u>	

Sec. 203.12.12. CENTRAL SERVICE AGENCY FUND 34669

The Director of Budget and Management may transfer up to 34670
\$363,851 in fiscal year 2006 from the Occupational Licensing and 34671
Regulatory Fund (Fund 4K9) to the Central Service Agency Fund 34672
(Fund 115). The Director of Budget and Management may transfer up 34673
to \$45,184 in fiscal year 2006 from the State Medical Board 34674
Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 34675
115). The Director of Budget and Management may transfer up to 34676
\$625 in fiscal year 2006 from the Motor Vehicle Collision Repair 34677
Registration Fund (Fund 5H9) to the Central Service Agency Fund 34678
(Fund 115). The appropriation item 100-632, Central Service 34679
Agency, shall be used to purchase the necessary equipment, 34680
products, and services to maintain an automated application for 34681
the professional licensing boards, and to support their licensing 34682

functions in fiscal year 2006. The amount of the cash transfers is 34683
appropriated to appropriation item 100-632, Central Service 34684
Agency. 34685

The Department of Administrative Services shall establish 34686
charges for recovering the costs of maintaining an automated 34687
application for the professional licensing boards and for the 34688
costs of supporting licensing functions in fiscal year 2007. In 34689
establishing these charges for fiscal year 2007 any changes from 34690
the method used to calculate fiscal year 2006 costs to be 34691
recovered via transfer of funds or any changes from the type of 34692
costs recovered through fiscal year 2006 transfers are subject to 34693
Controlling Board approval. The charges shall be billed to the 34694
professional licensing boards and deposited via intrastate 34695
transfer vouchers to the credit of the Central Service Agency Fund 34696
(Fund 115). Total Department of Administrative Services charges 34697
for the maintenance and support of the licensing system in fiscal 34698
year 2007 shall not exceed \$375,700. 34699

Sec. 203.45. ATH ATHLETIC COMMISSION 34700

General Services Fund Group 34701
4K9 175-609 Operating Expenses \$ 248,150 \$ 0 255,850 34702
TOTAL GSF General Services Fund \$ 248,150 \$ 0 255,850 34703
Group
TOTAL ALL BUDGET FUND GROUPS \$ 248,150 \$ 0 255,850 34704

Sec. 203.51. AUD AUDITOR OF STATE 34706

General Revenue Fund 34707
GRF 070-321 Operating Expenses \$ ~~29,014,425~~ \$ ~~28,964,425~~ 34708
29,334,425 29,144,425
GRF 070-403 Fiscal Watch/Emergency \$ 500,000 \$ 500,000 34709
Technical Assistance
GRF 070-405 Electronic Data \$ 823,193 \$ 823,193 34710

	Processing - Auditing and Administration				
GRF 070-406	Uniform Accounting	\$	1,588,538	\$	1,588,538
	Network/Technology Improvements Fund				34711
TOTAL GRF General Revenue Fund		\$	31,926,156	\$	31,876,156
			<u>32,246,156</u>		<u>32,056,156</u>
	Auditor of State Fund Group				34713
R06 070-604	Continuous Receipts	\$	35,000	\$	35,000
109 070-601	Public Audit Expense -	\$	9,300,000	\$	9,300,000
	Intra-State		<u>12,000,000</u>		<u>12,000,000</u>
422 070-601	Public Audit Expense -	\$	31,104,840	\$	31,104,840
	Local Government				34716
584 070-603	Training Program	\$	131,250	\$	131,250
			<u>181,250</u>		<u>181,250</u>
675 070-605	Uniform Accounting	\$	3,317,336	\$	3,317,336
	Network				34718
TOTAL AUS <u>AUD</u> Auditor of State Fund					34719
Group		\$	43,888,426	\$	43,888,426
			<u>46,638,426</u>		<u>46,638,426</u>
TOTAL ALL BUDGET FUND GROUPS		\$	75,814,582	\$	75,764,582
			<u>78,884,582</u>		<u>78,694,582</u>
	BILLING PRACTICES PILOT REVIEW				34722
	Of the foregoing appropriation item 070-321, Operating				34723
	Expenses, \$50,000 shall be used by the Auditor of State to conduct				34724
	a pilot review of the billing practices of facilities licensed by				34725
	the Department of Mental Health and the Department of Job and				34726
	Family Services that serve children in a residential setting for				34727
	whom mental health treatment services are provided. In conducting				34728
	this review, the Auditor of State shall have access to any				34729
	information, records, or other data that would otherwise be				34730
	available to any federal, state, or local public agency that				34731

provides funding to the facility. 34732

The Auditor of State shall prepare a report on the 34733
conclusions of the pilot review, and shall furnish copies of the 34734
report to the Governor, the Speaker of the House of 34735
Representatives, and the President of the Senate, as well as to 34736
the majority and minority leaders of the House of Representatives 34737
and the Senate, by June 30, 2006. 34738

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 34739

The foregoing appropriation item 070-403, Fiscal 34740
Watch/Emergency Technical Assistance, shall be used for all 34741
expenses incurred by the Office of the Auditor of State in its 34742
role relating to fiscal watch or fiscal emergency activities under 34743
Chapters 118. and 3316. of the Revised Code. Expenses include, but 34744
are not limited to, the following: duties related to the 34745
determination or termination of fiscal watch or fiscal emergency 34746
of municipal corporations, counties, or townships as outlined in 34747
Chapter 118. of the Revised Code and of school districts as 34748
outlined in Chapter 3316. of the Revised Code; development of 34749
preliminary accounting reports; performance of annual forecasts; 34750
provision of performance audits; and supervisory, accounting, or 34751
auditing services for the mentioned public entities and school 34752
districts. The unencumbered balance of appropriation item 070-403, 34753
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 34754
year 2006 is transferred to fiscal year 2007 for use under the 34755
same appropriation item. 34756

ELECTRONIC DATA PROCESSING 34757

The unencumbered balance of appropriation item 070-405, 34758
Electronic Data Processing - Auditing and Administration, at the 34759
end of fiscal year 2006 is transferred to fiscal year 2007 for use 34760
under the same appropriation item. 34761

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 34762

The foregoing appropriation item 070-406, Uniform Accounting Network/Technology Improvements Fund, shall be used to pay the costs of developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor of State. The unencumbered balance of the appropriation at the end of fiscal year 2006 is transferred to fiscal year 2007 to pay the costs of developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor of State.

Sec. 203.54. BRB BOARD OF BARBER EXAMINERS 34772

General Services Fund Group 34773
 4K9 877-609 Operating Expenses \$ 568,126 \$ 0 567,119 34774
 TOTAL GSF General Services Fund 34775
 Group \$ 568,126 \$ 0 567,119 34776
 TOTAL ALL BUDGET FUND GROUPS \$ 568,126 \$ 0 567,119 34777

Sec. 203.66. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 34779

General Services Fund Group 34780
 4K9 930-609 Operating Expenses \$ 452,976 \$ 0 452,729 34781
 TOTAL GSF General Services Fund \$ 452,976 \$ 0 452,729 34782
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 452,976 \$ 0 452,729 34783

Sec. 203.69. CHR STATE CHIROPRACTIC BOARD 34785

General Services Fund Group 34786
 4K9 878-609 Operating Expenses \$ 605,278 \$ 0 621,621 34787
 TOTAL GSF General Services Fund \$ 605,278 \$ 0 621,621 34788
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 605,278 \$ 0 621,621 34789

Sec. 203.84. COS STATE BOARD OF COSMETOLOGY 34791

General Services Fund Group				34792
4K9 879-609 Operating Expenses	\$	2,929,630	\$	± <u>2,951,179</u>
TOTAL GSF General Services Fund				34794
Group	\$	2,929,630	\$	± <u>2,951,179</u>
TOTAL ALL BUDGET FUND GROUPS	\$	2,929,630	\$	± <u>2,951,179</u>

Sec. 203.87. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND 34798
FAMILY THERAPIST BOARD 34799

General Services Fund Group				34800
4K9 899-609 Operating Expenses	\$	1,058,445	\$	± <u>1,057,519</u>
TOTAL GSF General Services Fund				34802
Group	\$	1,058,445	\$	± <u>1,057,519</u>
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,445	\$	± <u>1,057,519</u>

Sec. 203.99.01. OPERATING EXPENSES 34806

Of the foregoing appropriation item 195-321, Operating 34807
Expenses, \$50,000 in fiscal year 2006 and \$35,000 in fiscal year 34808
2007 shall be used ~~for~~ by Crawford County ~~to hire an employee to~~ 34809
~~act as a~~ for local economic development ~~coordinator for Crawford,~~ 34810
~~Hancock, Richland, and Marion Counties~~ purposes. 34811

Sec. 203.99.48. FACILITIES ESTABLISHMENT FUND 34812

The foregoing appropriation item 195-615, Facilities 34813
Establishment (Fund 037), shall be used for the purposes of the 34814
Facilities Establishment Fund under Chapter 166. of the Revised 34815
Code. 34816

Notwithstanding Chapter 166. of the Revised Code, up to 34817
\$1,800,000 in cash each fiscal year may be transferred from the 34818
Facilities Establishment Fund (Fund 037) to the Economic 34819
Development Financing Operating Fund (Fund 451). The transfer is 34820
subject to Controlling Board approval under division (B) of 34821
section 166.03 of the Revised Code. 34822

Notwithstanding Chapter 166. of the Revised Code, up to 34823
\$5,000,000 in cash each fiscal year may be transferred from the 34824
Facilities Establishment Fund (Fund 037) to the Shovel Ready Sites 34825
Fund (Fund 5CA). The transfer is subject to Controlling Board 34826
approval under division (B) of section 166.03 of the Revised Code. 34827

Notwithstanding Chapter 166. of the Revised Code, up to 34828
~~\$10,950,000~~ \$16,425,000 in cash may be transferred during the 34829
biennium from the Facilities Establishment Fund (Fund 037) to the 34830
Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of 34831
removing barriers to urban core redevelopment. The Director of 34832
Development shall develop program guidelines for the transfer and 34833
release of funds, including, but not limited to, the completion of 34834
all appropriate environmental assessments before state assistance 34835
is committed to a project. 34836

Notwithstanding Chapter 166. of the Revised Code, up to 34837
\$3,000,000 each fiscal year in cash may be transferred from the 34838
Facilities Establishment Fund (Fund 037) to the Rural Industrial 34839
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 34840
Board approval under section 166.03 of the Revised Code. 34841

FAMILY FARM LOAN PROGRAM 34842

Notwithstanding Chapter 166. of the Revised Code, up to 34843
\$1,000,000 in each fiscal year shall be transferred from moneys in 34844
the Facilities Establishment Fund (Fund 037) to the Family Farm 34845
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 34846
The moneys shall be used for loan guarantees. The transfer is 34847
subject to Controlling Board approval. 34848

Financial assistance from the Family Farm Loan Guarantee Fund 34849
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 34850
under sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the 34851
Revised Code. 34852

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 34853

exist, all outstanding balances, all loan repayments, and any 34854
other outstanding obligations shall revert to the Facilities 34855
Establishment Fund (Fund 037). 34856

RURAL DEVELOPMENT INITIATIVE FUND 34857

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 34858
entitled to receive moneys from the Facilities Establishment Fund 34859
(Fund 037). The Director of Development may make grants from the 34860
Rural Development Initiative Fund as specified in division (A)(2) 34861
of this section to eligible applicants in Appalachian counties and 34862
in rural counties in the state that are designated as distressed 34863
under section 122.25 of the Revised Code. Preference shall be 34864
given to eligible applicants located in Appalachian counties 34865
designated as distressed by the federal Appalachian Regional 34866
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 34867
cease to exist after June 30, 2007. All moneys remaining in the 34868
Fund after that date shall revert to the Facilities Establishment 34869
Fund (Fund 037). 34870

(2) The Director of Development shall make grants from the 34871
Rural Development Initiative Fund (Fund 5S8) only to eligible 34872
applicants who also qualify for and receive funding under the 34873
Rural Industrial Park Loan Program as specified in sections 122.23 34874
to 122.27 of the Revised Code. Eligible applicants shall use the 34875
grants for the purposes specified in section 122.24 of the Revised 34876
Code. All projects supported by grants from the fund are subject 34877
to Chapter 4115. of the Revised Code as specified in division (E) 34878
of section 166.02 of the Revised Code. The Director shall develop 34879
program guidelines for the transfer and release of funds. The 34880
release of grant moneys to an eligible applicant is subject to 34881
Controlling Board approval. 34882

(B) Notwithstanding Chapter 166. of the Revised Code, the 34883
Director of Budget and Management may transfer up to \$3,000,000 34884

each fiscal year in cash on an as needed basis at the request of 34885
the Director of Development from the Facilities Establishment Fund 34886
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 34887
The transfer is subject to Controlling Board approval under 34888
section 166.03 of the Revised Code. 34889

CAPITAL ACCESS LOAN PROGRAM 34890

The foregoing appropriation item 195-628, Capital Access Loan 34891
Program, shall be used for operating, program, and administrative 34892
expenses of the program. Funds of the Capital Access Loan Program 34893
shall be used to assist participating financial institutions in 34894
making program loans to eligible businesses that face barriers in 34895
accessing working capital and obtaining fixed asset financing. 34896

Notwithstanding Chapter 166. of the Revised Code, the 34897
Director of Budget and Management may transfer up to \$3,000,000 34898
each fiscal year in cash on an as needed basis at the request of 34899
the Director of Development from the Facilities Establishment Fund 34900
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 34901
transfer is subject to Controlling Board approval under section 34902
166.03 of the Revised Code. 34903

INNOVATION OHIO LOAN FUND 34904

The foregoing appropriation item 195-664, Innovation Ohio, 34905
shall be used to provide for innovation Ohio purposes, including 34906
loan guarantees and loans under Chapter 166. and particularly 34907
sections 166.12 to 166.16 of the Revised Code. 34908

RESEARCH AND DEVELOPMENT 34909

The foregoing appropriation item 195-665, Research and 34910
Development, shall be used to provide for research and development 34911
purposes, including loans, under Chapter 166. and particularly 34912
sections 166.17 to 166.21 of the Revised Code. 34913

Sec. 206.03. OBD OHIO BOARD OF DIETETICS 34914

General Services Fund Group				34915	
4K9 860-609 Operating Expenses	\$	332,495	\$	⊖ <u>330,320</u>	34916
TOTAL GSF General Services Fund				34917	
Group	\$	332,495	\$	⊖ <u>330,320</u>	34918
TOTAL ALL BUDGET FUND GROUPS	\$	332,495	\$	⊖ <u>330,320</u>	34919

Sec. 206.09.12. COMPUTER/APPLICATION/NETWORK DEVELOPMENT 34921

The foregoing appropriation item 200-420, 34922
Computer/Application/Network Development, shall be used to support 34923
the development and implementation of information technology 34924
solutions designed to improve the performance and services of the 34925
Department of Education. Funds may be used for personnel, 34926
maintenance, and equipment costs related to the development and 34927
implementation of these technical system projects. Implementation 34928
of these systems shall allow the Department to provide greater 34929
levels of assistance to school districts and to provide more 34930
timely information to the public, including school districts, 34931
administrators, and legislators. 34932

ALTERNATIVE EDUCATION PROGRAMS 34933

There is hereby created the Alternative Education Advisory 34934
Council, which shall consist of one representative from each of 34935
the following agencies: the Ohio Department of Education; the 34936
Department of Youth Services; the Ohio Department of Alcohol and 34937
Drug Addiction Services; the Department of Mental Health; the 34938
Office of the Governor or, at the Governor's discretion, the 34939
Office of the Lieutenant Governor; the Office of the Attorney 34940
General; and the Office of the Auditor of State. 34941

Of the foregoing appropriation item 200-421, Alternative 34942
Education Programs, up to \$6,227,310 in each fiscal year shall be 34943
used for the renewal of successful implementation grants and for 34944
competitive matching grants to the 21 urban school districts as 34945

defined in division (O) of section 3317.02 of the Revised Code as 34946
it existed prior to July 1, 1998, and up to ~~\$6,408,074~~ \$6,161,074 34947
in each fiscal year shall be used for the renewal of successful 34948
implementation grants and for competitive matching grants to rural 34949
and suburban school districts for alternative educational programs 34950
for existing and new at-risk and delinquent youth. Programs shall 34951
be focused on youth in one or more of the following categories: 34952
those who have been expelled or suspended, those who have dropped 34953
out of school or who are at risk of dropping out of school, those 34954
who are habitually truant or disruptive, or those on probation or 34955
on parole from a Department of Youth Services facility. Grants 34956
shall be awarded according to the criteria established by the 34957
Alternative Education Advisory Council in 1999. Grants shall be 34958
awarded only to programs in which the grant will not serve as the 34959
program's primary source of funding. These grants shall be 34960
administered by the Department of Education. 34961

The Department of Education may waive compliance with any 34962
minimum education standard established under section 3301.07 of 34963
the Revised Code for any alternative school that receives a grant 34964
under this section on the grounds that the waiver will enable the 34965
program to more effectively educate students enrolled in the 34966
alternative school. 34967

Of the foregoing appropriation item 200-421, Alternative 34968
Education Programs, up to \$422,281 in each fiscal year may be used 34969
for program administration, monitoring, technical assistance, 34970
support, research, and evaluation. Any unexpended balance may be 34971
used to provide additional matching grants to urban, suburban, or 34972
rural school districts as outlined above. 34973

Of the foregoing appropriation item 200-421, Alternative 34974
Education Programs, \$247,000 in each fiscal year shall be used to 34975
contract with the Center for Learning Excellence at The Ohio State 34976
University to provide technical support for the project and the 34977

<u>completion of formative and summative evaluation of the grants.</u>	34978
Of the foregoing appropriation item 200-421, Alternative Education Programs, up to \$675,000 in fiscal year 2006 and up to \$500,000 in fiscal year 2007 may be used by the Department of Education to administer the Educational Choice Scholarship Pilot Program established under section 3310.02 of the Revised Code.	34979 34980 34981 34982 34983
Of the foregoing appropriation item 200-421, Alternative Education Programs, \$75,000 in each fiscal year shall be used to support the Toledo Tech Academy.	34984 34985 34986
Of the foregoing appropriation item 200-421, Alternative Education Programs, \$100,000 in each fiscal year shall be used for the Youth Opportunities United, Inc.	34987 34988 34989
SCHOOL MANAGEMENT ASSISTANCE	34990
Of the foregoing appropriation item 200-422, School Management Assistance, up to \$1,315,000 in each fiscal year shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and may also be used to conduct performance audits consistent with the recommendations of the Governor's Blue Ribbon Task Force on Financing Student Success, with priority given to districts in fiscal distress. Expenses include duties related to the completion of performance audits for school districts that the Superintendent of Public Instruction determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.	34991 34992 34993 34994 34995 34996 34997 34998 34999 35000 35001 35002 35003 35004
The remainder of foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to	35005 35006 35007 35008

administer, monitor, and implement the fiscal watch and fiscal	35009
emergency provisions under Chapter 3316. of the Revised Code.	35010
POLICY ANALYSIS	35011
The foregoing appropriation item 200-424, Policy Analysis,	35012
shall be used by the Department of Education to support a system	35013
of administrative, statistical, and legislative education	35014
information to be used for policy analysis. Staff supported by	35015
this appropriation shall administer the development of reports,	35016
analyses, and briefings to inform education policymakers of	35017
current trends in education practice, efficient and effective use	35018
of resources, and evaluation of programs to improve education	35019
results. The database shall be kept current at all times. These	35020
research efforts shall be used to supply information and analysis	35021
of data to the General Assembly and other state policymakers,	35022
including the Office of Budget and Management and the Legislative	35023
Service Commission.	35024
The Department of Education may use funding from this	35025
appropriation item to purchase or contract for the development of	35026
software systems or contract for policy studies that will assist	35027
in the provision and analysis of policy-related information.	35028
Funding from this appropriation item also may be used to monitor	35029
and enhance quality assurance for research-based policy analysis	35030
and program evaluation to enhance the effective use of education	35031
information to inform education policymakers.	35032
TECH PREP CONSORTIA SUPPORT	35033
The foregoing appropriation item 200-425, Tech Prep Consortia	35034
Support, shall be used by the Department of Education to support	35035
state-level activities designed to support, promote, and expand	35036
tech prep programs. Use of these funds shall include, but not be	35037
limited to, administration of grants, program evaluation,	35038
professional development, curriculum development, assessment	35039

development, program promotion, communications, and statewide 35040
coordination of tech prep consortia. 35041

OHIO EDUCATIONAL COMPUTER NETWORK 35042

The foregoing appropriation item 200-426, Ohio Educational 35043
Computer Network, shall be used by the Department of Education to 35044
maintain a system of information technology throughout Ohio and to 35045
provide technical assistance for such a system in support of the 35046
State Education Technology Plan under section 3301.07 of the 35047
Revised Code. 35048

Of the foregoing appropriation item 200-426, Ohio Educational 35049
Computer Network, up to \$18,136,691 in each fiscal year shall be 35050
used by the Department of Education to support connection of all 35051
public school buildings and participating chartered nonpublic 35052
schools to the state's education network, to each other, and to 35053
the Internet. In each fiscal year the Department of Education 35054
shall use these funds to assist data acquisition sites or school 35055
districts with the operational costs associated with this 35056
connectivity. The Department of Education shall develop a formula 35057
and guidelines for the distribution of these funds to the data 35058
acquisition sites or individual school districts. As used in this 35059
section, "public school building" means a school building of any 35060
city, local, exempted village, or joint vocational school 35061
district, any community school established under Chapter 3314. of 35062
the Revised Code, any educational service center building used for 35063
instructional purposes, the Ohio School for the Deaf and the Ohio 35064
School for the Blind, or high schools chartered by the Ohio 35065
Department of Youth Services and high schools operated by Ohio 35066
Department of Rehabilitation and Corrections' Ohio Central School 35067
System. 35068

Of the foregoing appropriation item 200-426, Ohio Educational 35069
Computer Network, up to \$1,700,000 in each fiscal year shall be 35070

used for the Union Catalog and InfOhio Network. 35071

Of the foregoing appropriation item 200-426, Ohio Educational 35072
Computer Network, up to \$8,338,468 in each fiscal year shall be 35073
used, through a formula and guidelines devised by the department, 35074
to subsidize the activities of designated data acquisition sites, 35075
as defined by State Board of Education rules, to provide school 35076
districts and chartered nonpublic schools with computer-based 35077
student and teacher instructional and administrative information 35078
services, including approved computerized financial accounting, 35079
and to ensure the effective operation of local automated 35080
administrative and instructional systems. 35081

Of the foregoing appropriation item 200-426, Ohio Educational 35082
Computer Network, up to \$769,223 in each fiscal year shall be used 35083
for the INFOhio Network to support the provision of electronic 35084
resources with priority given to resources that support the 35085
teaching of state academic content standards to all public 35086
schools. Consideration shall be given by the Department of 35087
Education to coordinating the allocation of these moneys with the 35088
efforts of Libraries Connect Ohio, whose members include OhioLINK, 35089
the Ohio Public Information Network, and the State Library of 35090
Ohio. 35091

The remainder of appropriation item 200-426, Ohio Educational 35092
Computer Network, shall be used to support development, 35093
maintenance, and operation of a network of uniform and compatible 35094
computer-based information and instructional systems. This 35095
technical assistance shall include, but not be restricted to, 35096
development and maintenance of adequate computer software systems 35097
to support network activities. In order to improve the efficiency 35098
of network activities, the Department and data acquisition sites 35099
may jointly purchase equipment, materials, and services from funds 35100
provided under this appropriation for use by the network and, when 35101
considered practical by the Department, may utilize the services 35102

of appropriate state purchasing agencies. 35103

ACADEMIC STANDARDS 35104

Of the foregoing appropriation item 200-427, Academic 35105
Standards, up to \$747,912 in each fiscal year shall be used to 35106
provide funds to school districts that have one or more teachers 35107
participating in the teachers-on-loan program. 35108

Of the foregoing appropriation item 200-427, Academic 35109
Standards, \$150,000 in each fiscal year shall be used by the 35110
Department in combination with funding earmarked for this purpose 35111
in the Board of Regents' budget under appropriation item 235-321, 35112
Operating Expenses. Such funding shall be used to support Ohio's 35113
Partnership for Continued Learning at the direction of the Office 35114
of the Governor. Ohio's Partnership for Continued Learning 35115
replaces and broadens the former Joint Council of the Department 35116
of Education and the Board of Regents. The Partnership shall 35117
advise and make recommendations to promote collaboration among 35118
relevant state entities in an effort to help local communities 35119
develop coherent and successful "P-16" learning systems. The 35120
Governor, or the Governor's designee, shall serve as the 35121
chairperson. 35122

Of the foregoing appropriation item 200-427, Academic 35123
Standards, \$1,000,000 in each fiscal year shall be used for 35124
Project Lead the Way leadership and management oversight and 35125
initial and continuing support of Project Lead the Way workforce 35126
development programs in participating school districts. Project 35127
Lead the Way is a program that supports students interested in 35128
pursuing engineering professions and stimulates growth of career 35129
pathways that meet business and industry workforce needs. 35130

Of the foregoing appropriation item 200-427, Academic 35131
Standards, up to \$2,600,000 in each fiscal year shall be used for 35132
intensive teacher professional development institutes that focus 35133

on classroom implementation of the mathematics standards. 35134

Of the foregoing appropriation item 200-427, Academic Standards, \$200,000 in each fiscal year may be used to support the Ohio Resource Center for Math and Science. 35135
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Of the foregoing appropriation item 200-427, Academic Standards, up to \$282,000 in each fiscal year shall be used for the JASON Expedition project that provides statewide access to JASON Expedition content. Funds shall be used to provide professional development training for teachers participating in the project, statewide management, and a seventy-five per cent subsidy for statewide licensing of JASON Expedition content with priority given to content aligned with state academic content standards for approximately 90,000 middle school students statewide. 35138
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Of the foregoing appropriation item 200-427, Academic Standards, \$285,000 in each fiscal year shall be used for the Ohio Science Institute (OSCI). 35148
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The remainder of appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models. 35151
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Sec. 206.09.15. SCHOOL IMPROVEMENT INITIATIVES 35155

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$300,000 in fiscal year 2006 and \$450,000 in fiscal year 2007 shall be used for Ohio's Rural Appalachian Leadership Development Initiative. 35156
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Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$601,165 in each fiscal year shall be used by the Department of Education to contract with educational media centers to provide Ohio public schools with 35160
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instructional resources and services with priority given to 35164
resources and services aligned with state academic content 35165
standards. 35166

Of the foregoing appropriation item 200-431, School 35167
Improvement Initiatives, up to \$13,972,949 in fiscal year 2006 and 35168
\$13,672,678 in fiscal year 2007 shall be used to provide technical 35169
assistance to school districts that are declared to be in a state 35170
of academic watch or academic emergency under section 3302.03 of 35171
the Revised Code, to provide support to districts in the 35172
development and implementation of their continuous improvement 35173
plans as required in section 3302.04 of the Revised Code, to 35174
support a statewide comprehensive system of field relations that 35175
support local educators' abilities to foster academic achievement 35176
in the students they serve, and to provide technical assistance 35177
and support in accordance with Title I of the "No Child Left 35178
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. The field 35179
relations system shall include training that assists educators, 35180
school leadership, and technical assistance providers in 35181
understanding and implementing standards-based education, data 35182
analysis, and development of assessment systems for quality 35183
instruction. 35184

Of the foregoing appropriation item 200-431, School 35185
Improvement Initiatives, up to \$315,000 in each fiscal year shall 35186
be used to reduce the dropout rate by addressing the academic and 35187
social problems of inner-city students through Project GRAD. 35188

Of the foregoing appropriation item 200-431, School 35189
Improvement Initiatives, \$1,574,535 in fiscal year 2006 and 35190
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 35191
funding provided in the Board of Regents' budget under 35192
appropriation item 235-434, College Readiness and Access, to 35193
create early college high schools, which are small, autonomous 35194
schools that blend high school and college into a coherent 35195

educational program. <u>The funds shall be distributed according to</u>	35196
<u>guidelines established by the Department of Education and the</u>	35197
<u>Board of Regents.</u>	35198
Of the foregoing appropriation item 200-431, School	35199
Improvement Initiatives, up to \$2,935,000 in fiscal year 2006 and	35200
up to \$4,935,000 in fiscal year 2007 shall be used in partnership	35201
with nonprofit groups with expertise in converting existing large	35202
urban high schools into small, personalized high schools.	35203
Districts eligible for such funding include the Urban 21 high	35204
schools, as defined in division (O) of section 3317.02 of the	35205
Revised Code as it existed prior to July 1, 1998.	35206
Of the foregoing appropriation item 200-431, School	35207
Improvement Initiatives, up to \$65,000 in each fiscal year shall	35208
be provided to Southern State Community College for the Pilot	35209
Post-Secondary Enrollment Options Program with Miami Trace High	35210
School.	35211
Of the foregoing appropriation item 200-431, School	35212
Improvement Initiatives, \$1,000,000 in each fiscal year shall be	35213
used to support Jobs for Ohio Graduates (JOG). The Department of	35214
Education shall require a two-to-one match of local funding to	35215
state funding before releasing these funds to JOG.	35216
Of the foregoing appropriation item 200-431, School	35217
Improvement Initiatives, \$50,000 in each fiscal year shall be used	35218
for the Big City Schools Program in Cincinnati.	35219
Of the foregoing appropriation item 200-431, School	35220
Improvement Initiatives, \$1,000,000 shall be used in fiscal year	35221
2006 to support Improved Solutions for Urban Students (ISUS) in	35222
Dayton.	35223
READING/WRITING IMPROVEMENT-PROFESSIONAL DEVELOPMENT	35224
Of the foregoing appropriation item 200-433, Reading/Writing	35225

Improvement-Professional Development, up to \$9,790,000 in each	35226
fiscal year shall be used for educator training in literacy for	35227
classroom teachers, administrators, and literacy specialists.	35228
Of the foregoing appropriation item 200-433, Reading/Writing	35229
Improvement-Professional Development, up to \$5,000,000 in each	35230
fiscal year shall be used to support literacy professional	35231
development partnerships between the Department of Education,	35232
higher education institutions, literacy networks, and school	35233
districts.	35234
Of the foregoing appropriation item 200-433, Reading/Writing	35235
Improvement-Professional Development, up to \$900,000 in each	35236
fiscal year shall be used by the Department of Education to fund	35237
the Reading Recovery Training Network, to cover the cost of	35238
release time for the teacher trainers, and to provide grants to	35239
districts to implement other reading improvement programs on a	35240
pilot basis. Funds from this set-aside also may be used to conduct	35241
evaluations of the impact and effectiveness of Reading Recovery	35242
and other reading improvement programs.	35243
Of the foregoing appropriation item 200-433, Reading/Writing	35244
Improvement-Professional Development, up to \$250,000 in each	35245
fiscal year shall be used for the Waterford Early Reading Program.	35246
The remainder of appropriation item 200-433, Reading/Writing	35247
Improvement-Professional Development, shall be used by the	35248
Department of Education to provide administrative support of	35249
literacy professional development programs.	35250
STUDENT ASSESSMENT	35251
The foregoing appropriation item 200-437, Student Assessment,	35252
shall be used to develop, field test, print, distribute, score,	35253
report results, and support other associated costs for the tests	35254
required under sections 3301.0710 and 3301.0711 of the Revised	35255
Code and for similar purposes as required by section 3301.27 of	35256

the Revised Code.	35257
ACCOUNTABILITY/REPORT CARDS	35258
Of the foregoing appropriation item 200-439,	35259
Accountability/Report Cards, up to \$200,100 in fiscal year 2006	35260
and up to \$3,778,540 in fiscal year 2007 shall be used by the	35261
Department of Education to incorporate a statewide pilot	35262
value-added progress dimension into performance ratings for school	35263
districts and to train regional specialists. This funding shall be	35264
used in consultation with a credible nonprofit organization with	35265
expertise in value-added progress dimensions.	35266
The remainder of the appropriation item 200-439,	35267
Accountability/Report Cards, shall be used for the development of	35268
an accountability system that includes the preparation and	35269
distribution of school report cards under section 3302.03 of the	35270
Revised Code.	35271
CHILD CARE LICENSING	35272
The foregoing appropriation item 200-442, Child Care	35273
Licensing, shall be used by the Department of Education to license	35274
and to inspect preschool and school-age child care programs under	35275
sections 3301.52 to 3301.59 of the Revised Code.	35276
OHIOREADS VOLUNTEER SUPPORT	35277
The foregoing appropriation item 200-445, OhioReads Volunteer	35278
Support, may be allocated by the Department of Education for	35279
volunteer coordinators in public school buildings, for background	35280
checks for volunteers, to evaluate programs, and to develop,	35281
implement, and support literacy improvement activities and	35282
interventions for students in grades kindergarten through twelve.	35283
Sec. 206.09.21. PUPIL TRANSPORTATION	35284
Of the foregoing appropriation item 200-502, Pupil	35285

Transportation, up to \$822,400 in each fiscal year may be used by 35286
the Department of Education for training prospective and 35287
experienced school bus drivers in accordance with training 35288
programs prescribed by the Department. Up to \$58,115,428 in fiscal 35289
year 2006 and up to \$59,277,737 in fiscal year 2007 may be used by 35290
the Department of Education for special education transportation 35291
reimbursements to school districts and county MR/DD boards for 35292
transportation operating costs as provided in division ~~(M)~~(J) of 35293
section 3317.024 of the Revised Code. The remainder of 35294
appropriation item 200-502, Pupil Transportation, shall be used 35295
for the state reimbursement of public school districts' costs in 35296
transporting pupils to and from the school they attend in 35297
accordance with the district's policy, State Board of Education 35298
standards, and the Revised Code. 35299

Notwithstanding the distribution formula outlined in division 35300
(D) of section 3317.022 of the Revised Code, each school district 35301
shall receive an additional two per cent in state funding for 35302
transportation in fiscal year 2006 over what was received in 35303
fiscal year 2005, and the local share of transportation costs that 35304
is used in the calculation of the charge-off supplement and excess 35305
cost supplement for each school district in fiscal year 2006 shall 35306
be increased by two per cent from that used in calculations in 35307
fiscal year 2005. 35308

Notwithstanding the distribution formula outlined in division 35309
(D) of section 3317.022 of the Revised Code, each school district 35310
shall receive an additional two per cent in state funding for 35311
transportation in fiscal year 2007 over what was received in 35312
fiscal year 2006, and the local share of transportation costs that 35313
is used in the calculation of the charge-off supplement and excess 35314
cost supplement for each school district in fiscal year 2007 shall 35315
be increased by two per cent from that used in calculations in 35316
fiscal year 2006. 35317

The Department of Education shall recommend a new formula for allocating state funds for transportation costs. The Department shall submit the recommendation to the Director of Budget and Management, the Speaker of the House of Representatives, and the President of the Senate not later than July 1, 2006.

School districts not receiving state funding for transportation in fiscal year 2005 under division (D) of section 3317.022 of the Revised Code shall not receive state funding for transportation in fiscal year 2006 or fiscal year 2007.

BUS PURCHASE ALLOWANCE

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts, educational service centers, and county MR/DD boards pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 28 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students and to county MR/DD boards, the Ohio School for the Deaf, and the Ohio School for the Blind for the purchase of buses to transport handicapped students.

SCHOOL LUNCH MATCH

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Sec. 206.09.27. GIFTED PUPIL PROGRAM

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,110 in each fiscal year under division ~~(P)~~(L) of section 3317.024 and division (F) of section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil

Program, up to \$4,700,000 in each fiscal year may be used as an 35348
additional supplement for identifying gifted students under 35349
Chapter 3324. of the Revised Code. 35350

Of the foregoing appropriation item 200-521, Gifted Pupil 35351
Program, the Department of Education may expend up to \$940,000 in 35352
each fiscal year for the Summer Honors Institute for gifted 35353
freshman and sophomore high school students. Up to \$65,800 in each 35354
fiscal year shall be used for the Ohio Summer School for the 35355
Gifted (Martin Essex Program). 35356

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 35357

The foregoing appropriation item 200-532, Nonpublic 35358
Administrative Cost Reimbursement, shall be used by the Department 35359
of Education for the purpose of implementing section 3317.063 of 35360
the Revised Code. 35361

Sec. 206.09.36. FOUNDATION FUNDING 35362

The foregoing appropriation item 200-550, Foundation Funding, 35363
includes \$85,000,000 in each fiscal year for the state education 35364
aid offset due to the change in public utility valuation as a 35365
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 35366
General Assembly. This amount represents the total state education 35367
aid offset due to the valuation change for school districts and 35368
joint vocational school districts from all relevant appropriation 35369
line item sources. Upon certification by the Department of 35370
Education, in consultation with the Department of Taxation, to the 35371
Director of Budget and Management of the actual state aid offset, 35372
the cash transfer from ~~fund~~ Fund 053, appropriation item 200-900, 35373
School District Property Tax Replacement - Utility, shall be 35374
decreased or increased by the Director of Budget and Management to 35375
match the certification in accordance with section 5727.84 of the 35376
Revised Code. 35377

Of the foregoing appropriation item 200-550, Foundation 35378
Funding, up to \$425,000 shall be expended in each fiscal year for 35379
court payments under section 2151.357 of the Revised Code; an 35380
amount shall be available in each fiscal year for the cost of 35381
reappraisal guarantee under section 3317.04 of the Revised Code; 35382
an amount shall be available in each fiscal year to fund up to 225 35383
full-time equivalent approved GRADS teacher grants under division 35384
(~~R~~)(N) of section 3317.024 of the Revised Code; an amount shall be 35385
available in each fiscal year to make payments to school districts 35386
under division (A)(3) of section 3317.022 of the Revised Code; an 35387
amount shall be available in each fiscal year to make payments to 35388
school districts under division (F) of section 3317.022 of the 35389
Revised Code; an amount shall be available in each fiscal year to 35390
make payments to school districts under division (C) of section 35391
3317.0212 of the Revised Code; and up to \$30,000,000 in each 35392
fiscal year shall be reserved for payments under sections 35393
3317.026, 3317.027, and 3317.028 of the Revised Code except that 35394
the Controlling Board may increase the \$30,000,000 amount if 35395
presented with such a request from the Department of Education. Of 35396
the foregoing appropriation item 200-550, Foundation Funding, up 35397
to \$18,000,000 in fiscal year 2006 and up to \$19,000,000 in fiscal 35398
year 2007 shall be used to provide additional state aid to school 35399
districts for special education students under division (C)(3) of 35400
section 3317.022 of the Revised Code; up to \$2,000,000 in each 35401
fiscal year shall be reserved for Youth Services tuition payments 35402
under section 3317.024 of the Revised Code; and up to \$52,000,000 35403
in each fiscal year shall be reserved to fund the state 35404
reimbursement of educational service centers under section 3317.11 35405
of the Revised Code and the section of this act entitled 35406
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 35407
available for special education weighted funding under division 35408
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 35409
of the Revised Code. 35410

Of the foregoing appropriation item 200-550, Foundation 35411
Funding, an amount shall be available in each fiscal year to be 35412
used by the Department of Education for transitional aid for 35413
school districts and joint vocational school districts. Funds 35414
shall be distributed under the sections of this act entitled 35415
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 35416
DISTRICTS" ~~AND~~ and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 35417
DISTRICTS." 35418

Of the foregoing appropriation item 200-550, Foundation 35419
Funding, up to \$1,000,000 in each fiscal year shall be used by the 35420
Department of Education for a program to pay for educational 35421
services for youth who have been assigned by a juvenile court or 35422
other authorized agency to any of the facilities described in 35423
division (A) of the section of this act entitled "PRIVATE 35424
TREATMENT FACILITY PROJECT." 35425

Of the foregoing appropriation item 200-550, Foundation 35426
Funding, up to \$3,700,000 in each fiscal year shall be used for 35427
school breakfast programs. Of this amount, up to \$900,000 shall be 35428
used in each fiscal year by the Department of Education to 35429
contract with the Children's Hunger Alliance to expand access to 35430
child nutrition programs consistent with the organization's 35431
continued ability to meet specified performance measures as 35432
detailed in the contract. Of this amount, the Children's Hunger 35433
Alliance shall use at least \$150,000 in each fiscal year to 35434
subcontract with an appropriate organization or organizations to 35435
expand summer food participation in underserved areas of the 35436
state, consistent with those organizations' continued ability to 35437
meet specified performance measures as detailed in the 35438
subcontracts. The remainder of the appropriation shall be used to 35439
partially reimburse school buildings within school districts that 35440
are required to have a school breakfast program under section 35441
3313.813 of the Revised Code, at a rate decided by the Department. 35442

Of the foregoing appropriation item 200-550, Foundation 35443
Funding, up to \$8,800,000 in fiscal year 2006 and up to \$8,600,000 35444
in fiscal year 2007 shall be used to operate the school choice 35445
program in the Cleveland Municipal School District under sections 35446
3313.974 to 3313.979 of the Revised Code. 35447

Of the portion of the funds distributed to the Cleveland 35448
Municipal School District under this section, up to \$10,401,887 in 35449
fiscal year 2006 and up to \$11,901,887 in fiscal year 2007 shall 35450
be used to operate the school choice program in the Cleveland 35451
Municipal School District under sections 3313.974 to 3313.979 of 35452
the Revised Code. 35453

The remaining portion of appropriation item 200-550, 35454
Foundation Funding, shall be expended for the public schools of 35455
city, local, exempted village, and joint vocational school 35456
districts, including base_cost funding, special education speech 35457
service enhancement funding, career-technical education weight 35458
funding, career-technical education associated service funding, 35459
guarantee funding, teacher training and experience funding, 35460
poverty-based assistance, parity aid, charge-off supplement, and 35461
excess cost supplement under sections 3317.022, 3317.023, 35462
3317.029, 3317.0212, 3317.0216, 3317.0217, and 3317.16 of the 35463
Revised Code. 35464

Appropriation items 200-502, Pupil Transportation, 200-521, 35465
Gifted Pupil Program, 200-540, Special Education Enhancements, and 35466
200-550, Foundation Funding, other than specific set-asides, are 35467
collectively used in each fiscal year to pay state formula aid 35468
obligations for school districts and joint vocational school 35469
districts under Chapter 3317. of the Revised Code. The first 35470
priority of these appropriation items, with the exception of 35471
specific set-asides, is to fund state formula aid obligations 35472
under Chapter 3317. of the Revised Code. It may be necessary to 35473
reallocate funds among these appropriation items or use excess 35474

funds from other general revenue fund appropriation items in the
Department of Education's budget in each fiscal year, in order to
meet state formula aid obligations. If it is determined that it is
necessary to transfer funds among these appropriation items or to
transfer funds from other General Revenue Fund appropriations in
the Department of Education's budget to meet state formula aid
obligations, the Department of Education shall seek approval from
the Controlling Board to transfer funds as needed.

**Sec. 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND
EXEMPTED VILLAGE SCHOOL DISTRICTS**

(A) The Department of Education shall distribute funds within
appropriation item 200-550, Foundation Funding, for transitional
aid in each fiscal year to each qualifying city, local, and
exempted village school district.

In fiscal years 2006 and 2007, the Department shall pay
transitional aid to each city, local, or exempted village school
district that experiences any decrease in its SF-3 funding plus
charge-off supplement for the current fiscal year from its SF-3
funding plus charge-off supplement for the previous fiscal year.
The amount of the transitional aid payment shall equal the
difference between the district's SF-3 funding plus charge-off
supplement for the current fiscal year and its SF-3 funding plus
charge-off supplement for the previous fiscal year.

(B)(1) Subject to divisions (B)(2) and (3) of this section,
the "SF-3 funding plus charge-off supplement" for each city,
local, and exempted village school district in fiscal years 2006
and 2007 equals the sum of the following:

(a) Base-cost funding under division (A) of section 3317.022
of the Revised Code;

(b) Special education and related services additional

weighted funding under division (C)(1) of section 3317.022 of the Revised Code; 35505
35506

(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code; 35507
35508

(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code; 35509
35510

(e) GRADS funding under division ~~(R)~~(N) of section 3317.024 of the Revised Code; 35511
35512

(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code; 35513
35514
35515

(g) Poverty-Based Assistance under section 3317.029 of the Revised Code; 35516
35517

(h) Gifted education units under section 3317.05 of the Revised Code; 35518
35519

(i) Transportation under the section of this act entitled "PUPIL TRANSPORTATION"; 35520
35521

(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code; 35522
35523

(k) Parity aid under section 3317.0217 of the Revised Code; 35524

(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code; 35525
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(m) The charge-off supplement under section 3317.0216 of the Revised Code. 35527
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(2) For purposes of calculating transitional aid in fiscal year 2006, a district's fiscal year 2005 SF-3 funding plus charge-off supplement is the difference of (a) the sum of the amounts described in divisions (A) to (O) of Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, plus any 35529
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transitional aid paid to the district under that section, that the 35534
district actually received in fiscal year 2005 minus (b) the 35535
amount of parity aid and the amount of disadvantaged pupil impact 35536
aid deducted that year under division (C)(6) of section 3314.08 of 35537
the Revised Code, as that section existed that year, and Section 35538
16 of Am. Sub. S.B. 2 of the 125th General Assembly on behalf of 35539
students entitled to attend school in the district who were 35540
enrolled in Internet- and computer-based community schools. For 35541
purposes of calculating transitional aid in fiscal year 2007, a 35542
district's fiscal year 2006 SF-3 funding plus charge-off 35543
supplement is the sum of the amounts described in divisions 35544
(B)(1)(a) to (n) of this section, plus any transitional aid paid 35545
to the district under this section, that the district actually 35546
received in fiscal year 2006. 35547

(3) The SF-3 funding plus charge-off supplement in each 35548
fiscal year for each district is the sum of the amounts specified 35549
in divisions (B)(1)(a) to (n) and (B)(2) of this section less any 35550
general revenue fund spending reductions ordered by the Governor 35551
under section 126.05 of the Revised Code. 35552

(C)(1) When calculating the reappraisal guarantee under 35553
division (C) or (D) of section 3317.04 of the Revised Code in 35554
fiscal year 2006, the Department shall: 35555

(a) Include in a school district's fiscal year 2005 payments 35556
any transitional aid paid to the district in fiscal year 2005 35557
under Section 41.37 of Am. Sub. H.B. 95 of the 125th General 35558
Assembly, as amended; 35559

(b) Subtract from a school district's fiscal year 2005 35560
payments the amount of parity aid and the amount of disadvantaged 35561
pupil impact aid deducted that year under division (C)(6) of 35562
section 3314.08 of the Revised Code, as that section existed that 35563
year, and Section 16 of Am. Sub. S.B. 2 of the 125th General 35564

Assembly on behalf of students entitled to attend school in the 35565
district who were enrolled in Internet- and computer-based 35566
community schools. 35567

(2) When calculating the reappraisal guarantee under division 35568
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 35569
2007, the Department shall include in a school district's fiscal 35570
year 2006 payments any transitional aid paid to the district in 35571
fiscal year 2006 under this section. 35572

(3) When calculating the reappraisal guarantee under division 35573
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 35574
2008, the Department shall include in a school district's fiscal 35575
year 2007 payments any transitional aid paid to the district in 35576
fiscal year 2007 under this section. 35577

**Sec. 206.09.42. TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 35578
DISTRICTS 35579**

(A) The Department of Education shall distribute funds within 35580
appropriation item 200-550, Foundation Funding, for transitional 35581
aid in each fiscal year to each joint vocational school district 35582
that experiences a decrease in its joint vocational funding for 35583
the current fiscal year from the previous fiscal year. The 35584
Department shall distribute to each such district transitional aid 35585
in an amount equal to the decrease in the district's joint 35586
vocational funding from the previous fiscal year. 35587

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 35588
district's joint vocational funding equals the sum of the 35589
following: 35590

(a) Base-cost funding under division (B) of section 3317.16 35591
of the Revised Code; 35592

(b) Special education and related services additional 35593
weighted funding under division (D)(1) of section 3317.16 of the 35594

Revised Code;	35595
(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;	35596 35597
(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;	35598 35599
(e) GRADS funding under division (R) <u>(N)</u> of section 3317.024 of the Revised Code;	35600 35601
(f) The state aid guarantee under division (H) of section 3317.16 of the Revised Code.	35602 35603
(2) For purposes of calculating transitional aid in fiscal year 2007, a district's fiscal year 2006 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (f) of this section, plus any transitional aid paid to the district under this section, that the district actually received in fiscal year 2006.	35604 35605 35606 35607 35608 35609
(3) The joint vocational funding in each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to (f) and (B)(2) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	35610 35611 35612 35613 35614
EMERGENCY LOAN INTEREST SUBSIDY	35615
The foregoing appropriation item 200-558, Emergency Loan Interest Subsidy, shall be used to provide a subsidy to school districts receiving emergency school loans pursuant to section 3313.484 of the Revised Code. The subsidy shall be used to pay these districts the difference between the amount of interest the district is paying on an emergency loan, and the interest that the district would have paid if the interest rate on the loan had been two per cent.	35616 35617 35618 35619 35620 35621 35622 35623

*Sec. 206.09.66. DISTRIBUTION FORMULAS 35624

The Department of Education shall report the following to the 35625
Director of Budget and Management, ~~the Legislative Office of~~ 35626
~~Education Oversight~~, and the Legislative Service Commission: 35627

(A) Changes in formulas for distributing state 35628
appropriations, including administratively defined formula 35629
factors; 35630

(B) Discretionary changes in formulas for distributing 35631
federal appropriations; 35632

(C) Federally mandated changes in formulas for distributing 35633
federal appropriations. 35634

Any such changes shall be reported two weeks prior to the 35635
effective date of the change. 35636

Sec. 206.09.84. (A) As used in this section: 35637

(1) "Entitled to attend school" means entitled to attend 35638
school in a school district under section 3313.64 ~~and~~ or 3313.65 35639
of the Revised Code. 35640

(2) "Formula ADM" and "category six special education ADM" 35641
have the same meanings as in section 3317.02 of the Revised Code. 35642

(3) "Individualized education program" has the same meaning 35643
as in section 3323.01 of the Revised Code. 35644

(4) "Parent" has the same meaning as in section 3313.64 of 35645
the Revised Code. 35646

(5) "Qualified special education child" is a child for whom 35647
all of the following conditions apply: 35648

(a) The school district in which the child is entitled to 35649
attend school has identified the child as autistic. A child who 35650
has been identified as having a "pervasive developmental disorder 35651

- not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section. 35652
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(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 35654
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(c) The child either: 35657

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or 35658
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(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child. 35662
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(6) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the Department of Education to participate in the program established under this section. 35666
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(B) There is hereby established the Pilot Project Special Education Scholarship Program. Under the program, in fiscal years 2006 and 2007, the Department of Education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the State Board of Education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by a school district other than the school district in which the child is entitled to attend school, by another public entity, or by a registered private provider. Each scholarship shall be in an amount not to exceed the 35670
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lesser of the tuition charged for the child by the special 35683
education program or twenty thousand dollars. The purpose of the 35684
scholarship is to permit the parent of a qualified special 35685
education child the choice to send the child to a special 35686
education program, instead of the one operated by or for the 35687
school district in which the child is entitled to attend school, 35688
to receive the services prescribed in the child's individualized 35689
education program once the individualized education program is 35690
finalized. A scholarship under this section shall not be awarded 35691
to the parent of a child while the child's individualized 35692
education program is being developed by the school district in 35693
which the child is entitled to attend school, or while any 35694
administrative or judicial mediation or proceedings with respect 35695
to the content of the child's individualized education program are 35696
pending. A scholarship under this section shall not be used for a 35697
child to attend a public special education program that operates 35698
under a contract, compact, or other bilateral agreement between 35699
the school district in which the child is entitled to attend 35700
school and another school district or other public provider, or 35701
for a child to attend a community school established under Chapter 35702
3314. of the Revised Code. However, nothing in this section or in 35703
any rule adopted by the State Board of Education shall prohibit a 35704
parent whose child attends a public special education program 35705
under a contract, compact, or other bilateral agreement, or a 35706
parent whose child attends a community school, from applying for 35707
and accepting a scholarship under this section so that the parent 35708
may withdraw the child from that program or community school and 35709
use the scholarship for the child to attend a special education 35710
program for which the parent is required to pay for services for 35711
the child. A child attending a special education program with a 35712
scholarship under this section shall continue to be entitled to 35713
transportation to and from that program in the manner prescribed 35714
by law. 35715

(C)(1) Notwithstanding anything to the contrary in the 35716
Revised Code, a child for whom a scholarship is awarded under this 35717
section shall be counted in the formula ADM and the category six 35718
special education ADM of the district in which the child is 35719
entitled to attend school and not in the formula ADM and the 35720
category six special education ADM of any other school district. 35721

(2) In each fiscal year, the Department shall deduct from the 35722
amounts paid to each school district under Chapter 3317. of the 35723
Revised Code, and, if necessary, sections 321.24 and 323.156 of 35724
the Revised Code, the aggregate amount of scholarships awarded 35725
under this section for qualified special education children 35726
included in the formula ADM and category six special education ADM 35727
of that school district as provided in division (C)(1) of this 35728
section. The scholarships deducted shall be considered as an 35729
approved special education and related services expense for the 35730
purpose of the school district's compliance with division (C)(5) 35731
of section 3317.022 of the Revised Code. 35732

(3) From time to time, the Department shall make a payment to 35733
the parent of each qualified special education child for whom a 35734
scholarship has been awarded under this section. The scholarship 35735
amount shall be proportionately reduced in the case of any such 35736
child who is not enrolled in the special education program for 35737
which a scholarship was awarded under this section for the entire 35738
school year. The Department shall make no payments to the parent 35739
of a child while any administrative or judicial mediation or 35740
proceedings with respect to the content of the child's 35741
individualized education program are pending. 35742

(D) A scholarship shall not be paid to a parent for payment 35743
of tuition owed to a nonpublic entity unless that entity is a 35744
registered private provider. The Department shall approve entities 35745
that meet the standards established by rule of the State Board for 35746
the program established under this section. 35747

(E) The State Board shall adopt rules under Chapter 119. of 35748
the Revised Code prescribing procedures necessary to implement 35749
this section, including, but not limited to, procedures and 35750
deadlines for parents to apply for scholarships, standards for 35751
registered private providers, and procedures for approval of 35752
entities as registered private providers. The Board shall adopt 35753
the rules so that the program established under this section is 35754
operational by January 1, 2004. 35755

Sec. 206.16. FUN STATE BOARD OF EMBALMERS AND FUNERAL 35756
DIRECTORS 35757

General Services Fund Group 35758

4K9 881-609 Operating Expenses	\$	598,933	\$	0	<u>598,706</u>	35759
TOTAL GSF General Services						35760
Fund Group	\$	598,933	\$	0	<u>598,706</u>	35761
TOTAL ALL BUDGET FUND GROUPS	\$	598,933	\$	0	<u>598,706</u>	35762

Sec. 206.48. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 35764

General Revenue Fund 35765

GRF 148-100 Personal Services	\$	145,880	\$	145,880	35766
GRF 148-200 Maintenance	\$	35,901	\$	35,901	35767
TOTAL GRF General Revenue Fund	\$	181,781	\$	181,781	35768

General Services Fund Group 35769

601 148-602 Gifts and	\$	20,000	\$	20,000	35770
Miscellaneous					
TOTAL GSF General Services					35771
Fund Group	\$	20,000	\$	20,000	35772
TOTAL ALL BUDGET FUND GROUPS	\$	201,781	\$	201,781	35773

GRF TRANSFER TO FUND 601, GIFTS AND MISCELLANEOUS 35774

Prior to June 30, 2006, the Director of Budget and Management 35775
may transfer \$5,850 in cash from the General Revenue Fund to Fund 35776

<u>601, Gifts and Miscellaneous Fund.</u>				35777	
Sec. 206.66. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				35778	
General Revenue Fund				35779	
GRF 600-321 Support Services				35780	
State	\$	63,797,907	\$	60,565,397	35781
Federal	\$	8,114,493	\$	8,454,541	35782
Support Services Total	\$	71,912,400	\$	69,019,938	35783
GRF 600-410 TANF State	\$	272,619,061	\$	272,619,061	35784
GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	35785
Match/Maintenance of Effort					
GRF 600-416 Computer Projects				35786	
State	\$	114,516,710	\$	117,226,021	35787
Federal	\$	37,579,198	\$	34,255,465	35788
Computer Projects Total	\$	152,095,908	\$	151,481,486	35789
GRF 600-420 Child Support Administration	\$	5,091,446	\$	5,091,446	35790
GRF 600-421 Office of Family Stability	\$	4,864,932	\$	4,864,932	35791
GRF 600-423 Office of Children and Families	\$	5,408,020	\$	5,431,690	35792
GRF 600-425 Office of Ohio Health Plans				35793	
State	\$	24,803,631	\$	24,054,873	35794
Federal	\$	26,539,544	\$	25,810,409	35795
Office of Ohio Health Plans Total	\$	51,343,175	\$	49,865,282	35796
GRF 600-502 Child Support Match	\$	16,814,103	\$	16,814,103	35797
GRF 600-511 Disability Financial Assistance	\$	22,839,371	\$	22,839,371	35798

GRF 600-512	Non-TANF Disaster Assistance	\$ 1,000,000	\$ 1,000,000	35799
GRF 600-513	Disability Medical Assistance	\$ 19,500,000 <u>23,833,050</u>	\$ 25,500,000 <u>31,166,950</u>	35800
GRF 600-521	Entitlement Administration - Local	\$ 151,206,401	\$ 151,206,401	35801
GRF 600-523	Children and Families Subsidy	\$ 69,438,543	\$ 69,438,543	35802
GRF 600-525	Health Care/Medicaid State	\$ 3,751,848,959	\$ 3,795,940,675 <u>3,776,796,152</u>	35803 35804
	Federal	\$ 5,612,109,788	\$ 5,731,692,576 <u>5,703,068,944</u>	35805
	Health Care Total	\$ 9,363,958,747	\$ 9,527,633,251 <u>9,479,865,096</u>	35806
GRF 600-526	Medicare Part D	\$ 155,349,266	\$ 339,578,325	35807
GRF 600-528	Adoption Services State	\$ 33,698,298	\$ 35,516,130	35808 35809
	Federal	\$ 40,331,807	\$ 43,022,485	35810
	Adoption Services Total	\$ 74,030,105	\$ 78,538,615	35811
<u>GRF 600-529</u>	<u>Capital Compensation Program</u>	\$ <u>0</u>	\$ <u>10,000,000</u>	35812
TOTAL GRF General Revenue Fund	State	\$ 4,777,417,244 <u>4,801,250,294</u>	\$ 5,006,307,564 <u>5,028,329,991</u>	35813 35814
	Federal	\$ 5,744,174,880 <u>5,724,674,830</u>	\$ 5,868,735,476 <u>5,814,611,844</u>	35815
	GRF Total	\$ 10,521,592,074 <u>10,525,925,124</u>	\$ 10,875,043,040 <u>10,842,941,835</u>	35816
General Services Fund Group				35817
4A8 600-658	Child Support Collections	\$ 26,680,794	\$ 26,680,794	35818

4R4	600-665	BCII Services/Fees	\$	36,974	\$	36,974	35819
5C9	600-671	Medicaid Program	\$	73,015,021	\$	63,947,536	35820
		Support					
5N1	600-677	County Technologies	\$	1,000,000	\$	1,000,000	35821
613	600-645	Training Activities	\$	135,000	\$	135,000	35822
TOTAL GSF General Services							35823
Fund Group			\$	100,867,789	\$	91,800,304	35824
Federal Special Revenue Fund Group							35825
3AW	600-675	Faith Based	\$	750,000	\$	750,000	35826
		Initiatives					
3A2	600-641	Emergency Food	\$	2,600,000	\$	2,800,000	35827
		Distribution					
3BB	600-635	Children's Hospitals -	\$	9,000,000	\$	9,000,000	35828
<u>3F0</u>		Federal					
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524	35829
		Federal					
3F0	600-623	Health Care Federal	\$	616,011,784	\$	771,889,193	35830
						<u>1,119,728,886</u>	
3F0	600-650	Hospital Care	\$	343,239,047	\$	343,239,047	35831
		Assurance Match					
3G5	600-655	Interagency	\$	1,364,802,369	\$	1,426,954,440	35832
		Reimbursement					
3H7	600-617	Child Care Federal	\$	208,000,000	\$	208,000,000	35833
3N0	600-628	IV-E Foster Care	\$	153,963,142	\$	153,963,142	35834
		Maintenance					
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	35835
3V0	600-688	Workforce Investment	\$	208,322,037	\$	208,097,948	35836
		Act					
3V4	600-678	Federal Unemployment	\$	153,435,545	\$	157,202,750	35837
		Programs					
3V4	600-679	Unemployment	\$	3,829,430	\$	3,800,573	35838
		Compensation Review					
		Commission - Federal					

3V6	600-689	TANF Block Grant	\$	767,104,142	\$	792,483,200	35839
3W3	600-659	TANF/Title XX Transfer	\$	8,000,000	\$	5,400,000	35840
327	600-606	Child Welfare	\$	33,160,190	\$	33,090,786	35841
331	600-686	Federal Operating	\$	43,966,134	\$	44,929,546	35842
384	600-610	Food Stamps and State Administration	\$	188,238,706	\$	181,250,799	35843
385	600-614	Refugee Services	\$	6,083,829	\$	6,542,439	35844
395	600-616	Special Activities/Child and Family Services	\$	4,567,112	\$	4,564,877	35845
396	600-620	Social Services Block Grant	\$	120,993,012	\$	121,004,222	35846
397	600-626	Child Support	\$	287,468,576	\$	287,468,576	35847
398	600-627	Adoption Maintenance/ Administration	\$	314,639,519	\$	314,639,519	35848
TOTAL FED Federal Special Revenue							35849
Fund Group			\$	4,840,749,148	\$	5,079,645,631 <u>5,427,485,324</u>	35850
State Special Revenue Fund Group							35851
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	35852
4A9	600-607	Unemployment Compensation Administration Fund	\$	10,811,527	\$	10,811,527	35853
4A9	600-694	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473	35854
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	35855
4E7	600-604	Child and Family Services Collections	\$	1,237,500	\$	300,000	35856
4F1	600-609	Foundation Grants/Child and Family Services	\$	61,420	\$	61,420	35857

4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	35858
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	35859
4K1	600-621	ICF/MR Bed Assessments	\$	20,074,255	\$	20,064,131	35860
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	35861
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	35862
5AA	600-673	Ohio's Best Rx Administration	\$	5,000,000	\$	5,000,000	35863
5AX	600-697	Public Assistance Reconciliation	\$	60,000,000	\$	0	35864
5BE	600-693	Child Support Operating	\$	5,000,000	\$	5,000,000	35865
5BG	600-653	Managed Care Assessment	\$	18,795,483	\$	99,410,121	35866
5CR	600-636	Children's Hospitals - State	\$	6,000,000	\$	6,000,000	35867
<u>5DB</u>	<u>600-637</u>	<u>Military Injury Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	35868
<u>5DL</u>	<u>600-639</u>	<u>Medicaid Revenue and Collections</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>56,927,358</u>	35869
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	35870
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	35871
5P5	600-692	Health Care Services <u>Prescription Drug Rebate - State</u>	\$	828,587,776	\$	538,301,761 <u>179,307,452</u>	35872
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	35873
5R2	600-608	Medicaid-Nursing Facilities	\$	160,192,055	\$	176,632,090	35874
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	35875
5U3	600-654	Health Care Services	\$	10,115,870	\$	15,474,709	35876

Administration			
5U6 600-663	Children and Family	\$ 4,929,717	\$ 4,929,717 35877
Support			
5Z9 600-672	TANF Quality Control	\$ 647,409	\$ 688,421 35878
Reinvestments			
651 600-649	Hospital Care	\$ 231,893,404	\$ 231,893,404 35879
Assurance Program Fund			
TOTAL SSR State Special Revenue			35880
Fund Group		\$ 1,498,194,267	\$ 1,249,415,152 35881
			<u>949,348,201</u>
Agency Fund Group			35882
192 600-646	Support Intercept -	\$ 110,000,000	\$ 110,000,000 35883
Federal			
5B6 600-601	Food Stamp Intercept	\$ 2,000,000	\$ 2,000,000 35884
583 600-642	Support Intercept -	\$ 16,000,000	\$ 16,000,000 35885
State			
TOTAL AGY Agency Fund Group			\$ 128,000,000 \$ 128,000,000 35886
Holding Account Redistribution Fund Group			35887
R12 600-643	Refunds and Audit	\$ 3,600,000	\$ 3,600,000 35888
Settlements			
R13 600-644	Forgery Collections	\$ 10,000	\$ 10,000 35889
TOTAL 090 Holding Account			\$ 3,610,000 \$ 3,610,000 35890
Redistribution Fund Group			
TOTAL ALL BUDGET FUND GROUPS			\$17,093,013,278 \$17,427,514,127 35891
		<u>17,097,346,328</u>	<u>17,443,185,664</u>
<u>MEDICAID REVENUE AND COLLECTIONS - STATE</u>			35892
<u>The foregoing appropriation item 600-639, Medicaid Revenue</u>			35893
<u>and Collections, shall be used by the Department of Job and Family</u>			35894
<u>Services to pay for Medicaid services and contracts.</u>			35895
Sec. 206.66.22. FISCAL YEAR 2006 MEDICAID REIMBURSEMENT			35896
SYSTEM FOR NURSING FACILITIES			35897

(A) As used in this section:	35898
"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code.	35899 35900 35901 35902
"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.	35903 35904 35905
"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.	35906 35907
"Nursing facility" and "provider" have the same meaning <u>meanings</u> as in section 5111.20 of the Revised Code.	35908 35909
"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.	35910 35911 35912 35913
"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.	35914 35915
(B) Except as otherwise provided in this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2005, and a valid Medicaid provider agreement for fiscal year 2006 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the sum of the following:	35916 35917 35918 35919 35920 35921
(1) The rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2005;	35922 35923
(2) Unless the nursing facility is exempt from paying the franchise permit fee, one dollar and ninety-five cents.	35924 35925
(C) If a nursing facility undergoes a change of operator on July 1, 2005, the entering operator shall be paid, for nursing	35926 35927

facility services the nursing facility provides during fiscal year 35928
2006, the rate paid to the exiting operator for nursing facility 35929
services that the nursing facility provided on June 30, 2005, 35930
plus, if the entering operator pays the franchise permit fee, one 35931
dollar and ninety-five cents. If a nursing facility undergoes a 35932
change of operator during the period beginning July 2, 2005, and 35933
ending June 30, 2006, the entering operator shall be paid, for 35934
nursing facility services the nursing facility provides during the 35935
period beginning on the effective date of the change of operator 35936
and ending June 30, 2006, the rate paid to the exiting operator 35937
for nursing facility services that the nursing facility provided 35938
on the day immediately before the effective date of the change of 35939
operator. 35940

(D) If, during fiscal year 2006, a nursing facility obtains 35941
certification as a nursing facility from the Director of Health 35942
and begins participation in the Medicaid program, the provider of 35943
the nursing facility shall be paid, for nursing facility services 35944
the nursing facility provides during the period beginning on the 35945
date the nursing facility begins participation in the Medicaid 35946
program and ending June 30, 2006, a rate that is the median of all 35947
rates paid to providers of nursing facilities on July 1, 2005. 35948

(E) If, during fiscal year ~~2007~~ 2006, one or more Medicaid 35949
certified beds are added to a nursing facility with a valid 35950
Medicaid provider agreement for fiscal year 2006, the provider of 35951
the nursing facility shall be paid a rate for the new beds that is 35952
the same as the nursing facility's rate for the Medicaid certified 35953
beds that are in the nursing facility on the day before the new 35954
beds are added. 35955

(F) If the United States Centers for Medicare and Medicaid 35956
Services requires that the franchise permit fee be reduced or 35957
eliminated, the Department of Job and Family Services shall reduce 35958
the amount it pays providers of nursing facilities under this 35959

section as necessary to reflect the loss to the state of the 35960
revenue and federal financial participation generated from the 35961
franchise permit fee. 35962

(G)~~(1)~~ A nursing facility's rate established under this 35963
section shall not be subject to any adjustments except as follows: 35964

~~(a)~~(1) An adjustment resulting from an audit of the nursing 35965
facility's 2003 cost report may be applied to a rate established 35966
under this section for the nursing facility not later than three 35967
years after the first day of the fiscal year for which the rate is 35968
established. 35969

~~(b)~~ (2) The nursing facility's rate established under 35970
this section may be adjusted pursuant to a process established in 35971
rules adopted under section 5111.02 of the Revised Code to reflect 35972
a change in the nursing facility's capital costs due to any of the 35973
following: 35974

~~(i)~~(a) A change of provider agreement that goes into effect 35975
before July 1, 2005, and for which a rate adjustment is not 35976
implemented before June 30, 2005; 35977

~~(ii)~~(b) A reviewable activity for which a certificate of need 35978
application is filed with the Director of Health before July 1, 35979
2005, costs are incurred before June 30, 2005, and a rate 35980
adjustment is not implemented before June 30, 2005; 35981

~~(iii)~~(c) An activity that the Director of Health, before July 35982
1, 2005, rules is not a reviewable activity and for which costs 35983
are incurred before June 30, 2005, and a rate adjustment is not 35984
implemented before June 30, 2005. 35985

(H) The Department of Job and Family Services shall follow 35986
this section in determining the rate to be paid to the provider of 35987
a nursing facility under the Medicaid program for nursing facility 35988
services provided during fiscal year 2006 notwithstanding anything 35989

to the contrary in sections 5111.20 to 5111.33 of the Revised Code.	35990 35991
Sec. 206.66.23. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES	35992 35993
(A) As used in this section:	35994
"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code.	35995 35996
"Nursing facility" and "provider" have the same meanings as in section 5111.20 of the Revised Code.	35997 35998
"Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.	35999 36000 36001 36002
(B) Except as provided in division (C) of this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2006, and a valid Medicaid provider agreement for fiscal year 2007 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2007, the rate determined <u>as follows</u> :	36003 36004 36005 36006 36007 36008
<u>(1) Determine the rate for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code;</u>	36009 36010
<u>(2) Increase the rate determined under division (B)(1) of this section by two per cent;</u>	36011 36012
<u>(3) Increase the rate determined under division (B)(2) of this section by two per cent.</u>	36013 36014
(C) If the rate determined for a nursing facility under sections 5111.20 to 5111.33 of the Revised Code <u>division (B) of this section</u> for nursing facility services provided during fiscal year 2007 is more than one hundred two per cent of the rate the	36015 36016 36017 36018

provider is paid for nursing facility services the nursing 36019
facility provides on June 30, 2006, the Department of Job and 36020
Family Services shall reduce the nursing facility's fiscal year 36021
2007 rate so that the rate is no more than one hundred two per 36022
cent of the nursing facility's rate for June 30, 2006. If the rate 36023
determined for a nursing facility under sections 5111.20 to 36024
5111.33 of the Revised Code for nursing facility services provided 36025
during fiscal year 2007 is less than ninety-eight per cent of the 36026
rate the provider was paid for nursing facility services the 36027
nursing facility provides on June 30, 2006, the Department shall 36028
increase the nursing facility's fiscal year 2007 rate so that the 36029
rate is no less than ninety-eight per cent of the nursing 36030
facility's rate for June 30, 2006. 36031

(D) If the United States Centers for Medicare and Medicaid 36032
Services requires that the franchise permit fee be reduced or 36033
eliminated, the Department of Job and Family Services shall reduce 36034
the amount it pays providers of nursing facilities under this 36035
section as necessary to reflect the loss to the state of the 36036
revenue and federal financial participation generated from the 36037
franchise permit fee. 36038

(E) The Department of Job and Family Services shall follow 36039
this section in determining the rate to be paid to the provider of 36040
a nursing facility that has a valid Medicaid provider agreement on 36041
June 30, 2006, and a valid Medicaid provider agreement for fiscal 36042
year 2007 notwithstanding anything to the contrary in sections 36043
5111.20 to 5111.33 of the Revised Code. 36044

Sec. 206.66.36. ASSISTED LIVING MEDICAID WAIVER PROGRAM 36045

(A) As used in this section, "Assisted Living Program" has 36046
the same meaning as in section 5111.89 of the Revised Code. 36047

(B) After the Department of Job and Family Services enters 36048
into a contract with the Department of Aging under section 5111.91 36049

of the Revised Code for the Department of Aging to administer the 36050
Assisted Living Program, the Director of Job and Family Services 36051
shall quarterly certify to the Director of Budget and Management 36052
the ~~estimated costs of~~ amounts to be transferred from the state 36053
and federal shares for the Assisted Living Program for the 36054
upcoming quarter. ~~The estimate shall include the state and federal~~ 36055
~~share of the costs.~~ On receipt of the ~~certified estimated costs~~ 36056
certification for an upcoming quarter, the Director of Budget and 36057
Management shall do ~~all~~ both of the following: 36058

(1) Transfer the state share of the certified amount ~~of the~~ 36059
~~estimated costs~~ from GRF appropriation item 600-525, Health 36060
Care/Medicaid, to GRF appropriation item 490-422, Assisted Living, 36061
and reduce appropriation item 600-525, Health Care/Medicaid, by 36062
the corresponding federal share; 36063

~~(2) Transfer the federal share of the amount of the estimated~~ 36064
~~costs from GRF appropriation item 600-525, Health Care/Medicaid,~~ 36065
~~to Fund 3C4, appropriation item 490-622, Assisted Living—~~ 36066
~~Federal;~~ 36067

~~(3) Increase the appropriation in JFS Fund 3G5, appropriation~~ 36068
~~item 600-655, Interagency Reimbursement, by the federal share of~~ 36069
~~the certified amount of the estimated costs.~~ 36070

~~(C) The funds that the Director of Budget and Management~~ 36071
~~transfers and increases under this section are hereby~~ 36072
~~appropriated.~~ 36073

Sec. 206.66.64. INDIVIDUALS MOVED FROM NURSING FACILITIES TO 36074
PASSPORT 36075

(A) As used in this section: 36076

(1) "Area agency on aging" has the same meaning as in section 36077
173.14 of the Revised Code. 36078

(2) "Long-Term Care Consultation Program" means the program 36079

the Department of Aging is required to develop under section 36080
173.42 of the Revised Code. 36081

(3) "Long-Term Care Consultation Program administrator" or 36082
"administrator" means the Department of Aging or, if the 36083
Department contracts with an area agency on aging or other entity 36084
to administer the Long-Term Care Consultation Program for a 36085
particular area, that agency or entity. 36086

(4) "Nursing facility" has the same meaning as in section 36087
5111.20 of the Revised Code. 36088

(5) "PASSPORT program" means the program created under 36089
section 173.40 of the Revised Code. 36090

(B) Each month during fiscal years 2006 and 2007, each area 36091
agency on aging shall determine whether individuals who reside in 36092
the area that the area agency on aging serves and are on a waiting 36093
list for the PASSPORT program have been admitted to a nursing 36094
facility. If an area agency on aging determines that such an 36095
individual has been admitted to a nursing facility, the agency 36096
shall notify the Long-Term Care Consultation Program administrator 36097
serving the area in which the individual resides about the 36098
determination. The administrator shall determine whether the 36099
PASSPORT program is appropriate for the individual and whether the 36100
individual would rather participate in the PASSPORT program than 36101
continue residing in the nursing facility. If the administrator 36102
determines that the PASSPORT program is appropriate for the 36103
individual and the individual would rather participate in the 36104
PASSPORT program than continue residing in the nursing facility, 36105
the administrator shall so notify the Department of Aging. On 36106
receipt of the notice from the administrator, the Department of 36107
Aging shall approve the enrollment of the individual in the 36108
PASSPORT program regardless of whether other individuals who are 36109
not in a nursing facility are ahead of the individual on the 36110

PASSPORT program's waiting list. Each quarter, the Department of Aging shall certify to the Director of Budget and Management the ~~estimated increase in costs of the PASSPORT program total~~ expenditures made for the individuals enrolled in the PASSPORT program pursuant to this section.

(C) On a quarterly basis, on receipt of the certified ~~costs~~ expenditures, the Director of Budget and Management shall do all of the following:

(1) Transfer the state share of the amount of the ~~estimated costs~~ actual expenditures from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT, ~~for the remainder of the biennium;~~

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

(3) Increase the appropriation in JFS Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the ~~estimated costs~~ actual expenditures.

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

(D) The individuals placed in the PASSPORT program pursuant to this section shall be in addition to the individuals placed in the PASSPORT program during fiscal years 2006 and 2007 based on the amount of money that is in GRF appropriation item 490-403, PASSPORT; Fund 4J4, appropriation item 490-610, PASSPORT/Residential State Supplement; Fund 4U9, appropriation item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 490-607, PASSPORT, before any transfers to GRF appropriation item 490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, PASSPORT, are made under this section.

(E) The Director of Job and Family Services shall do both of 36142
the following: 36143

(1) Submit to the United States Secretary of Health and Human 36144
Services an amendment to the Medicaid waiver authorizing the 36145
PASSPORT program as necessary for the implementation of this 36146
section; 36147

(2) By not later than December 31, 2006, submit to the 36148
General Assembly a report regarding the number of individuals 36149
placed in the PASSPORT program pursuant to this section and the 36150
costs incurred and savings achieved as a result of the individuals 36151
being placed in the PASSPORT program. 36152

Sec. 206.66.66. OHIO ACCESS SUCCESS PROJECT 36153

Notwithstanding any limitations in sections 3721.51 and 36154
3721.56 of the Revised Code, in each fiscal year, cash from Fund 36155
4J5, Home and Community-Based Services for the Aged, in excess of 36156
the amounts needed for the transfers may be used by the Department 36157
of Job and Family Services for the following purposes: (A) up to 36158
\$1.0 million in each fiscal year to fund the state share of audits 36159
of ~~Medicaid cost reports filed with the Department of Job and~~ 36160
~~Family Services by~~ nursing facilities and intermediate care 36161
facilities for the mentally retarded; and (B) up to \$350,000 in 36162
fiscal year 2006 and up to \$350,000 in fiscal year 2007 to provide 36163
one-time transitional benefits under the Ohio Access Success 36164
Project that the Director of Job and Family Services may establish 36165
under section 5111.88 of the Revised Code. 36166

Sec. 206.66.84. CHILDREN'S TRUST FUND 36167

Notwithstanding sections 3109.13 to 3109.18 of the Revised 36168
Code, in fiscal ~~year~~ years 2006 and 2007, the Director of Budget 36169
and Management shall transfer \$1,500,000 cash from the Children's 36170
Trust Fund (Fund 198 in the Department of Job and Family Services) 36171

to the Partnerships for Success Fund (Fund 5BH in the Department of Youth Services). On or before January 1, ~~2007~~ 2008, the Director of Budget and Management shall transfer to the Children's Trust Fund (Fund 198) any amount of cash that remains unspent in the Partnerships for Success Fund (Fund 5BH).

Sec. 206.66.85. HOSPITAL CARE ASSURANCE MATCH ~~FUND~~

Appropriation item 600-650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services ~~in accordance with division (B) of~~ solely for distributing funds to hospitals under section ~~5112.18~~ 5112.08 of the Revised Code.

Sec. 206.66.91. The Department of Job and Family Services shall retain in each fiscal year \$1,500,000 of the federal incentives that are described in division (A) of section 3125.19 of the Revised Code and authorized by 42 U.S.C. 658a that the Department of Job and Family Services receives from the United States Department of Human Services to reimburse the Department of Job and Family Services for the state share of payments made by the Department of Job and Family Services for mandatory contracts utilized by county child support enforcement agencies in the program of child support enforcement authorized by sections 3125.03 and 3125.11 of the Revised Code. This revenue shall be deposited in the Child Support Operating Fund (Fund 5BE in the Department of Job and Family Services).

Sec. 206.67.15. PRESCRIPTION DRUG REBATE FUND

The foregoing appropriation item 600-692, ~~Health Care Services~~ Prescription Drug Rebate - State, shall be used by the Department of Job and Family Services ~~in accordance with section 5111.081 of the Revised Code to pay for Medicaid services and contracts. Moneys recovered by the Department for either hospital settlements or pursuant to the Department's rights of recovery~~

~~under section 5101.58 of the Revised Code, that are not directed 36202
to the Health Care Services Administration Fund (Fund 5U3) under 36203
section 5111.94 of the Revised Code, shall also be deposited into 36204
Fund 5P5. 36205~~

On July 1, 2006, or as soon as possible thereafter, the 36206
Director of Job and Family Services shall certify to the Director 36207
of Budget and Management the federal share of the balance of the 36208
Prescription Drug Rebates Fund created under section 5111.942 of 36209
the Revised Code. On receipt of the certification, the Director of 36210
Budget and Management shall transfer the federal share to the 36211
Health Care - Federal Fund created under section 5111.943 of the 36212
Revised Code. 36213

**Sec. 206.67.21. TRANSFER OF TOBACCO MASTER SETTLEMENT 36214
AGREEMENT FUNDS TO SUPPORT THE AGED, BLIND, AND DISABLED MANAGED 36215
CARE PROGRAM 36216**

(A) Not later than June 30, 2006, the Director of Job and 36217
Family Services, in conjunction with the Office of Budget and 36218
Management, shall determine the amount necessary to implement the 36219
Aged, Blind, and Disabled Managed Care Program established under 36220
section 5111.16 of the Revised Code. 36221

(B) Notwithstanding section 183.02 of the Revised Code, on 36222
July 1, 2006, or as soon as possible thereafter, the Director of 36223
Budget and Management shall transfer cash equal to the state share 36224
of the amount determined pursuant to division (A) of this section 36225
from the Tobacco Master Settlement Agreement Fund (Fund 087) to 36226
the ABD Managed Care Program - State Fund (Fund 5BZ in the 36227
Department of Job and Family Services), which is hereby created. 36228
Of the tobacco revenue that is credited to the Tobacco Master 36229
Settlement Agreement Fund (Fund 087) in fiscal year 2006, the 36230
share that is determined pursuant to section 183.02 of the Revised 36231
Code to be the amount transferred by the Director of Budget and 36232

Management from the Tobacco Master Settlement Agreement Fund (Fund 087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) shall be reduced by the amount that is transferred from the Tobacco Master Settlement Agreement Fund (Fund 087) to the ABD Managed Care Program - State Fund (Fund 5BZ) in accordance with this section. The amount transferred under this division is hereby appropriated to appropriation item 600-698, ABD Managed Care Program - State.

(C) The Department of Job and Family Services shall deposit federal reimbursement received for the Aged, Blind, and Disabled Managed Care Program into the ~~ABD Managed Care Program~~ Hospital Care Assurance Match Fund - Federal Fund (Fund ~~3AZ 3F0~~), ~~which is hereby created~~. Amounts deposited into Fund ~~3AZ 3F0~~ pursuant to this section are hereby appropriated to appropriation item 600-699, ABD Managed Care Program - Federal.

Sec. 206.99. MHC MANUFACTURED HOMES COMMISSION

General Services Fund Group					36248
4K9 996-609 Operating Expenses	\$	272,500	\$	± <u>254,500</u>	36249
TOTAL GSF General Services Fund Group	\$	272,500	\$	± <u>254,500</u>	36250
TOTAL ALL BUDGET FUND GROUPS	\$	272,500	\$	± <u>254,500</u>	36251

Sec. 209.04. AMB MEDICAL TRANSPORTATION BOARD

General Services Fund Group					36255
4N1 915-601 Operating Expenses	\$	388,450	\$	± <u>388,450</u>	36256
TOTAL GSF General Services Fund Group	\$	388,450	\$	± <u>388,450</u>	36257
TOTAL ALL BUDGET FUND GROUPS	\$	388,450	\$	± <u>388,450</u>	36258

Sec. 209.06.06. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT SERVICES

36262
36263

General Revenue Fund				36264
GRF 335-404 Behavioral Health Services-Children	\$	5,865,265	\$ 6,865,265	36265
GRF 335-405 Family & Children First	\$	2,260,000	\$ 2,260,000	36266
GRF 335-419 Community Medication Subsidy	\$	12,292,848 <u>7,959,798</u>	\$ 13,626,748 <u>7,959,798</u>	36267
GRF 335-505 Local Mental Health Systems of Care	\$	94,687,868	\$ 99,687,868	36268
TOTAL GRF General Revenue Fund	\$	115,105,981 <u>110,772,931</u>	\$ 122,439,881 <u>116,772,931</u>	36269
General Services Fund Group				36270
4P9 335-604 Community Mental Health Projects	\$	250,000	\$ 250,000	36271
TOTAL GSF General Services Fund Group	\$	250,000	\$ 250,000	36272
Federal Special Revenue Fund Group				36274
3A6 335-608 Federal Miscellaneous	\$	1,089,699	\$ 678,699	36275
3A7 335-612 Social Services Block Grant	\$	8,657,288	\$ 8,657,288	36276
3A8 335-613 Federal Grant - Community Mental Health Board Subsidy	\$	2,407,040	\$ 2,407,040	36277
3A9 335-614 Mental Health Block Grant	\$	14,969,400	\$ 14,969,400	36278
3B1 335-635 Community Medicaid Expansion	\$	264,088,404	\$ 282,807,902	36279
TOTAL FED Federal Special Revenue Fund Group	\$	291,211,831	\$ 309,520,329	36280
State Special Revenue Fund Group				36281
5AU 335-615 Behavioral Healthcare	\$	4,690,000	\$ 4,690,000	36282
5CH 335-622 Residential State	\$	1,500,000	\$ 1,500,000	36283

	Supplement				
632 335-616	Community Capital	\$	350,000	\$	350,000
					36284
	Replacement				
TOTAL SSR	State Special Revenue	\$	6,540,000	\$	6,540,000
	Fund Group				36285
TOTAL ALL BUDGET	FUND GROUPS	\$	413,107,812	\$	438,750,210
			<u>408,774,762</u>		<u>433,083,260</u>
DEPARTMENT TOTAL					36287
GENERAL REVENUE	FUND	\$	561,012,510	\$	578,783,810
			<u>556,679,460</u>		<u>573,116,860</u>
DEPARTMENT TOTAL					36289
GENERAL SERVICES	FUND GROUP	\$	115,901,936	\$	120,196,482
DEPARTMENT TOTAL					36291
FEDERAL SPECIAL	REVENUE				36292
FUND GROUP		\$	311,131,959	\$	329,461,338
DEPARTMENT TOTAL					36294
STATE SPECIAL	REVENUE FUND GROUP	\$	12,266,164	\$	12,266,164
DEPARTMENT TOTAL					36296
TOTAL DEPARTMENT	OF MENTAL HEALTH	\$	1,000,312,569	\$	1,040,707,794
			<u>995,979,519</u>		<u>1,035,040,844</u>

Sec. 209.06.09. COMMUNITY MEDICATION SUBSIDY 36299

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 36300-36304

~~Of the foregoing appropriation item 335-419, Community Medication Subsidy, \$4,333,050 in fiscal year 2006 and \$5,666,950 in fiscal year 2007 shall be used to provide services to persons who meet criteria that is consistent with the criteria for the Disability Medical Assistance Program.~~ 36305-36309

LOCAL MENTAL HEALTH SYSTEMS OF CARE 36310

The foregoing appropriation item 335-505, Local Mental Health 36311
Systems of Care, shall be used for mental health services provided 36312
by community mental health boards in accordance with a community 36313
mental health plan submitted under section 340.03 of the Revised 36314
Code and as approved by the Department of Mental Health. 36315

Of the foregoing appropriation, not less than \$34,818,917 in 36316
fiscal year 2006 and not less than \$34,818,917 in fiscal year 2007 36317
shall be distributed by the Department of Mental Health on a per 36318
capita basis to community mental health boards. 36319

Of the foregoing appropriation, \$100,000 in each fiscal year 36320
shall be used to fund family and consumer education and support. 36321

BEHAVIORAL HEALTH - CHILDREN 36322

The foregoing appropriation item 335-404, Behavioral Health 36323
Services-Children, shall be used to provide behavioral health 36324
services for children and their families. Behavioral health 36325
services include mental health and alcohol and other drug 36326
treatment services and other necessary supports. 36327

Of the foregoing appropriation item 335-404, Behavioral 36328
Health Services-Children, an amount up to \$4.5 million in fiscal 36329
year 2006 and \$5.5 million in fiscal year 2007 shall be 36330
distributed to local Alcohol, Drug Addiction, and Mental Health 36331
Boards; Community Mental Health Boards; and Alcohol and Drug 36332
Addiction Boards, based upon a formula and an approved children's 36333
behavioral health transformation plan developed and endorsed by 36334
the local Family and Children First Council with the leadership 36335
from the Alcohol, Drug Addiction, and Mental Health Board, or the 36336
Community Mental Health Board, and the Alcohol and Drug Addiction 36337
Services Board. The use of these funds shall be approved by a team 36338
of state and local stakeholders appointed by the Ohio Family and 36339
Children First Cabinet Council. This team shall be appointed not 36340

later than July 1, 2005, and shall include, but not be limited to, 36341
all of the following: 36342

(A) At least one representative from each of the Departments 36343
of Alcohol and Drug Addiction Services, Mental Health, Education, 36344
Health, Job and Family Services, Mental Retardation and 36345
Developmental Disabilities, and the Department of Youth Services; 36346

(B) At least one person representing local public children's 36347
services agencies; 36348

(C) At least one person representing juvenile courts; 36349

(D) At least one person representing local Alcohol, Drug 36350
Addiction, and Mental Health Boards; Community Mental Health 36351
Boards; and Alcohol and Drug Addiction Boards; 36352

(E) At least one person representing local Family and 36353
Children First Council Coordinators; 36354

(F) At least one family representative. 36355

Children's behavioral health transformation plans shall be 36356
congruent with the development and implementation of the process 36357
described in division (B)(2)(b) of section 121.37 of the Revised 36358
Code and shall address all of the following as determined by a 36359
team of state and local stakeholders appointed by the Ohio Family 36360
and Children First Cabinet Council: 36361

(A) Specific strategies and actions for use of all funds 36362
allocated for the Access to Better Care Initiative by all Ohio 36363
Family and Children First Cabinet Council agencies that will 36364
further the transformation of the local Children's Behavioral 36365
Health Care System; 36366

(B) Providing services to children with behavioral health 36367
disorders, particularly those with intensive needs, and their 36368
families, across all child-serving systems, including child 36369
welfare and juvenile justice and for those youth whose parents 36370

would otherwise have to relinquish custody to obtain needed behavioral health services; 36371
36372

(C) Assuring that families are included in all service planning activities and have access to advocates to assist them if they choose; 36373
36374
36375

(D) Implementation of home-based services and other alternatives to out-of-home placement; 36376
36377

(E) Assuring that all individual service plans for children and their families address the academic achievement of the child; 36378
36379

(F) Coordinating the most efficient and effective use of federal, state, and local funds to meet the needs of children and their families. 36380
36381
36382

Funds may be used to support the following services and activities: 36383
36384

(A) Mental health services provided by the Ohio Department of Mental Health certified agencies and alcohol and other drug services provided by Department of Alcohol and Drug Addiction Services certified agencies; 36385
36386
36387
36388

(B) Services and supports for children and their families that further the implementation of their individual service plans; 36389
36390

(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible; 36391
36392
36393

(D) Administrative support for efforts associated with this initiative; 36394
36395

(E) These funds shall not be used to supplant existing efforts. 36396
36397

The Ohio Family and Children First Cabinet Council appointed team shall approve the plans for local behavioral health services 36398
36399

and ensure the plans are components of and properly coordinated 36400
with the county service coordination plan as defined in section 36401
121.37 of the Revised Code. In addition to approving the plans for 36402
new behavioral health funding, this team shall design a mechanism 36403
to provide technical assistance to local communities, monitor the 36404
plans, and may, as part of the monitoring role, conduct site 36405
visits. 36406

Of the foregoing appropriation item 335-404, Behavioral 36407
Health Services-Children, an amount up to \$1.0 million in fiscal 36408
year 2006 and \$1.0 million in fiscal year 2007 shall be used to 36409
support projects, as determined by the Ohio Family and Children 36410
First Cabinet Council, in select areas around the state to focus 36411
on improving behavioral health services for children involved in 36412
the child welfare and juvenile justice systems. At least one of 36413
these projects shall focus on services for adolescent girls that 36414
are involved in or at risk of involvement with the juvenile 36415
justice system. 36416

Of the foregoing appropriation item 335-405, Family & 36417
Children First, an amount up to \$500,000 in fiscal year 2006 and 36418
\$500,000 in fiscal year 2007 shall be used for children who do not 36419
have behavioral health disorders but require assistance through 36420
the County Family and Children First Council. 36421

RESIDENTIAL STATE SUPPLEMENT 36422

The foregoing appropriation item 335-622, Residential State 36423
Supplement, shall be used to provide subsidized support for 36424
licensed adult care facilities which serve individuals with mental 36425
illness. 36426

Sec. 209.09.06. COMMUNITY SERVICES 36427

General Revenue Fund 36428

GRF 322-405 State Use Program \$ 20,000 \$ 0 36429

GRF 322-413	Residential and Support Services	\$	7,423,021	\$	7,423,021	36430
GRF 322-416	Waiver State Match	\$	103,090,738	\$	104,397,504	36431
GRF 322-417	Supported Living	\$	43,160,198	\$	43,160,198	36432
GRF 322-451	Family Support Services	\$	6,938,898	\$	6,938,898	36433
GRF 322-452	Service and Support Administration	\$	8,672,730	\$	8,672,730	36434
GRF 322-501	County Boards Subsidies	\$	32,193,542	\$	32,193,542	36435
GRF 322-503	Tax Equity	\$	14,500,000	\$	14,500,000	36436
TOTAL GRF	General Revenue Fund	\$	215,999,127	\$	217,285,893	36437
	General Services Fund Group					36438
4J6 322-645	Intersystem Services for Children	\$	300,000	\$	0	36439
4U4 322-606	Community MR and DD Trust	\$	300,000	\$	50,000	36440
4V1 322-611	Family and Children First	\$	40,000	\$	0	36441
488 322-603	Provider Audit Refunds	\$	350,000	\$	350,000	36442
TOTAL GSF	General Services Fund Group	\$	990,000	\$	400,000	36443 36444
	Federal Special Revenue Fund Group					36445
3A4 322-605	Community Program Support	\$	1,500,000	\$	1,500,000	36446
3A5 322-613	DD Council Grants	\$	3,204,240	\$	3,204,240	36447
3G6 322-639	Medicaid Waiver	\$	373,772,814	\$	373,772,814	36448
3M7 322-650	CAFS Medicaid	\$	125,924,299	\$	103,773,730	36449
325 322-608	Grants for Infants and Families with Disabilities	\$	1,763,165	\$	1,763,165	36450
325 322-612	Community Social	\$	11,500,000	\$	11,500,000	36451

Service Programs					
TOTAL FED Federal Special Revenue				36452	
Fund Group	\$	517,664,518	\$	495,513,949	36453
State Special Revenue Fund Group				36454	
4K8 322-604 Waiver - Match	\$	12,000,000	\$	12,000,000	36455
5DJ <u>322-625 Targeted Case</u>	\$	<u>9,340,000</u>	\$	<u>20,280,000</u>	36456
<u>Management Match</u>					
5DJ <u>322-626 Targeted Case</u>	\$	<u>23,350,000</u>	\$	<u>50,070,000</u>	36457
<u>Management Services</u>					
5H0 322-619 Medicaid Repayment	\$	25,000	\$	25,000	36458
5Z1 322-624 County Board Waiver	\$	82,000,000	\$	82,000,000	36459
Match					
TOTAL SSR State Special Revenue				36460	
Fund Group	\$	94,025,000	\$	94,025,000	36461
		<u>126,715,000</u>		<u>164,375,000</u>	
TOTAL ALL COMMUNITY SERVICES				36462	
BUDGET FUND GROUPS	\$	828,678,645	\$	807,224,842	36463
		<u>861,368,645</u>		<u>877,574,842</u>	
RESIDENTIAL AND SUPPORT SERVICES				36464	
The Department of Mental Retardation and Developmental				36465	
Disabilities may designate a portion of appropriation item				36466	
322-413, Residential and Support Services, for the following:				36467	
(A) Sermak Class Services used to implement the requirements				36468	
of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,				36469	
Case No. c-2-80-220, United States District Court for the Southern				36470	
District of Ohio, Eastern Division;				36471	
(B) Medicaid-reimbursed programs other than home and				36472	
community-based waiver services, in an amount not to exceed				36473	
\$1,000,000 in each fiscal year, that enable persons with mental				36474	
retardation and developmental disabilities to live in the				36475	
community.				36476	

WAIVER STATE MATCH 36477

The purposes for which the foregoing appropriation item 36478
322-416, Waiver State Match, shall be used include the following: 36479

(A) Home and community-based waiver services under Title XIX 36480
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 36481
as amended. 36482

(B) Services contracted by county boards of mental 36483
retardation and developmental disabilities. 36484

(C) To pay the nonfederal share of the cost of one or more 36485
new intermediate-care-facility-for-the-mentally-retarded certified 36486
beds in a county where the county board of mental retardation and 36487
developmental disabilities does not initiate or support the 36488
development or certification of such beds, if the Director of 36489
Mental Retardation and Developmental Disabilities is required by 36490
~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to 36491
transfer to the Director of Job and Family Services funds to pay 36492
such nonfederal share. 36493

The Department of Mental Retardation and Developmental 36494
Disabilities may designate a portion of appropriation item 36495
322-416, Waiver State Match, to county boards of mental 36496
retardation and developmental disabilities that have greater need 36497
for various residential and support services because of a low 36498
percentage of residential and support services development in 36499
comparison to the number of individuals with mental retardation or 36500
developmental disabilities in the county. 36501

Of the foregoing appropriation item 322-416, Waiver State 36502
Match, \$9,850,000 in each year of the biennium shall be 36503
distributed by the Department to county boards of mental 36504
retardation and developmental disabilities to support existing 36505
residential facilities waiver and individual options waiver 36506
related to Medicaid activities provided for in the component of a 36507

county board's plan developed under division (A)(2) of section 36508
5126.054 of the Revised Code and approved under section 5123.046 36509
of the Revised Code. Up to \$3,000,000 of these funds in each 36510
fiscal year may be used to implement day-to-day program management 36511
services under division (A)(2) of section 5126.054 of the Revised 36512
Code. Up to \$4,200,000 in each fiscal year may be used to 36513
implement the program and health and welfare requirements of 36514
division (A)(2) of section 5126.054 of the Revised Code. 36515

In fiscal years 2006 and 2007 not less than \$2,650,000 of 36516
these funds shall be used to recruit and retain, under division 36517
(A)(2) of section 5126.054 of the Revised Code, the direct care 36518
staff necessary to implement the services included in an 36519
individualized service plan in a manner that ensures the health 36520
and welfare of the individuals being served. 36521

The method utilized by the department to determine each 36522
residential facilities waiver and individual options provider's 36523
allocation of such funds in fiscal year 2005 shall be used for 36524
allocation purposes to such providers in fiscal years 2006 and 36525
2007, respectively. 36526

SUPPORTED LIVING 36527

The purposes for which the foregoing appropriation item 36528
322-417, Supported Living, shall be used include supported living 36529
services contracted by county boards of mental retardation and 36530
developmental disabilities under sections 5126.40 to 5126.47 of 36531
the Revised Code and paying the nonfederal share of the cost of 36532
one or more new 36533
intermediate-care-facility-for-the-mentally-retarded certified 36534
beds in a county where the county board of mental retardation and 36535
developmental disabilities does not initiate or support the 36536
development or certification of such beds, if the Director of 36537
Mental Retardation and Developmental Disabilities is required by 36538

~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to 36539
transfer to the Director of Job and Family Services funds to pay 36540
such nonfederal share. 36541

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 36542

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 36543
the Department of Mental Retardation and Developmental 36544
Disabilities may develop residential and support service programs 36545
funded by appropriation item 322-413, Residential and Support 36546
Services; appropriation item 322-416, Waiver State Match; or 36547
appropriation item 322-417, Supported Living, that enable persons 36548
with mental retardation and developmental disabilities to live in 36549
the community. Notwithstanding Chapter 5121. and section 5123.122 36550
of the Revised Code, the Department may waive the support 36551
collection requirements of those statutes for persons in community 36552
programs developed by the Department under this section. The 36553
Department shall adopt rules under Chapter 119. of the Revised 36554
Code or may use existing rules for the implementation of these 36555
programs. 36556

FAMILY SUPPORT SERVICES 36557

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 36558
5126.11 of the Revised Code, the Department of Mental Retardation 36559
and Developmental Disabilities may implement programs funded by 36560
appropriation item 322-451, Family Support Services, to provide 36561
assistance to persons with mental retardation or developmental 36562
disabilities and their families who are living in the community. 36563
The department shall adopt rules to implement these programs. The 36564
department may also use the foregoing appropriation item 322-451, 36565
Family Support Services, to pay the nonfederal share of the cost 36566
of one or more new 36567
intermediate-care-facility-for-the-mentally-retarded certified 36568
beds in a county where the county board of mental retardation and 36569
developmental disabilities initiates or supports the development 36570

or certification of such beds, if the Director of Mental
Retardation and Developmental Disabilities is required by ~~this act~~
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the
Director of Job and Family Services funds to pay such nonfederal
share.

SERVICE AND SUPPORT ADMINISTRATION

The foregoing appropriation item 322-452, Service and Support
Administration, shall be allocated to county boards of mental
retardation and developmental disabilities for the purpose of
providing service and support administration services and to
assist in bringing state funding for all department-approved
service and support administrators within county boards of mental
retardation and developmental disabilities to the level authorized
in division (C) of section 5126.15 of the Revised Code. The
department may request approval from the Controlling Board to
transfer any unobligated appropriation authority from other state
General Revenue Fund appropriation items within the department's
budget to appropriation item 322-452, Service and Support
Administration, to be used to meet the statutory funding level in
division (C) of section 5126.15 of the Revised Code.

Notwithstanding division (C) of section 5126.15 of the
Revised Code and subject to funding in appropriation item 322-452,
Service and Support Administration, no county may receive less
than its allocation in fiscal year 1995. Wherever case management
services are referred to in any law, contract, or other document,
the reference shall be deemed to refer to service and support
administration. No action or proceeding pending on the effective
date of this section is affected by the renaming of case
management services as service and support administration.

The Department of Mental Retardation and Developmental
Disabilities shall adopt, amend, and rescind rules as necessary to

reflect the renaming of case management services as service and support administration. All boards of mental retardation and developmental disabilities and the entities with which they contract for services shall rename the titles of their employees who provide service and support administration. All boards and contracting entities shall make corresponding changes to all employment contracts.

The Department also may use the foregoing appropriation item 322-452, Service and Support Administration, to pay the nonfederal share of the cost of one or more new intermediate-care-facility-for-the-mentally-retarded certified beds in a county where the county board of mental retardation and developmental disabilities initiates or supports the development or certification of such beds, if the Director of Mental Retardation and Developmental Disabilities is required by ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the Director of Job and Family Services funds to pay such nonfederal share.

STATE SUBSIDIES TO MR/DD BOARDS

Notwithstanding section 5126.12 of the Revised Code, for fiscal year 2006, the Department shall, if sufficient funds as determined by the Department are available, use the foregoing appropriation item 322-501, County Boards Subsidies, to pay each county board of mental retardation and developmental disabilities an amount that is equal to the amount such board received in fiscal year 2005. If the Department determines that there are not sufficient funds available in appropriation item 322-501, County Boards Subsidies, for this purpose, the Department shall pay to each county board an amount that is proportionate to the amount such board received in fiscal year 2005. Proportionality shall be determined by comparing the payment a county board received in a category in fiscal year 2005 to the total payments distributed to

all county boards for such category in fiscal year 2005. For 36634
fiscal year 2007, the Department shall pay to each county board an 36635
amount that is determined by an allocation formula to be developed 36636
by the Department that considers the applicable factors in section 36637
5126.12 of the Revised Code. 36638

The Department also may use the foregoing appropriation item 36639
322-501, County Boards Subsidies, to pay the nonfederal share of 36640
the cost of one or more new 36641
intermediate-care-facility-for-the-mentally-retarded certified 36642
beds in a county where the county board of mental retardation and 36643
developmental disabilities initiates or supports the development 36644
or certification of such beds, if the Director of Mental 36645
Retardation and Developmental Disabilities is required by ~~this act~~ 36646
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 36647
Director of Job and Family Services funds to pay such nonfederal 36648
share. 36649

NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES 36650

Pursuant to an agreement between the county board and the 36651
Director of Mental Retardation and Developmental Disabilities, a 36652
county may pledge funds from its state allocation from GRF 36653
appropriation item 322-501, County Boards Subsidies, to cover the 36654
cost of providing the nonfederal match for active treatment 36655
services that the county provides to residents of the Department's 36656
developmental centers. The Director of Mental Retardation and 36657
Developmental Disabilities is authorized to transfer, through 36658
intrastate transfer vouchers, cash from these pledges from GRF 36659
appropriation item 322-501, County Boards Subsidies, to Fund 489, 36660
Mental Retardation Operating. Any other county funds received by 36661
the Department from county boards for active treatment shall be 36662
deposited in Fund 489, Mental Retardation Operating. 36663

WAIVER - MATCH 36664

The foregoing appropriation item 322-604, Waiver - Match 36665
(Fund 4K8), shall be used as state matching funds for the home and 36666
community-based waivers. 36667

COUNTY BOARD WAIVER MATCH 36668

The Director of Mental Retardation and Developmental 36669
Disabilities shall transfer, through intrastate transfer vouchers, 36670
cash from any allowable General Revenue Fund appropriation item to 36671
Fund 5Z1, appropriation item 322-624, County Board Waiver Match. 36672
(The amounts being transferred reflect the amounts that county 36673
boards pledge from their state General Revenue Funds allocations 36674
to cover the cost of providing the non-federal match for waiver 36675
services.) 36676

TRANSFER OF FUNDS FOR THE FAMILY AND CHILDREN FIRST CABINET 36677
COUNCIL TO THE DEPARTMENT OF MENTAL HEALTH 36678

On July 1, 2005, or as soon as possible thereafter, the 36679
Director of Mental Retardation and Developmental Disabilities 36680
shall certify the remaining cash balance in Fund 4V1, 36681
Miscellaneous Use, to the Director of Budget and Management. Upon 36682
receipt of the certification, the Director of Budget and 36683
Management shall transfer that amount and re-establish existing 36684
encumbrances in the Department of Mental Health, Fund 232, Family 36685
and Children First Administration Fund. When this transfer has 36686
been completed, Fund 4V1 shall be abolished. 36687

On November 1, 2005, or as soon as possible thereafter, the 36688
Director of Mental Retardation and Developmental Disabilities 36689
shall certify the remaining cash balance in Fund 4J6, Youth 36690
Cluster, to the Director of Budget and Management, who upon 36691
receipt shall transfer that amount to the General Revenue Fund and 36692
increase the Department of Mental Health's GRF appropriation item 36693
335-404, Behavioral Health Services-Children, by the same amount. 36694
When this transfer has been completed, Fund 4J6 shall be 36695

abolished. 36696

TARGETED CASE MANAGEMENT SERVICES 36697

The Departments of Mental Retardation and Developmental 36698
Disabilities and Job and Family Services may enter into an 36699
interagency agreement under which the Department of Mental 36700
Retardation and Developmental Disabilities shall pay the 36701
Department of Job and Family Services the nonfederal portion of 36702
the cost of targeted case management services and the Department 36703
of Job and Family Services shall pay the total cost of targeted 36704
case management claims. 36705

Quarterly, the Director of Mental Retardation and 36706
Developmental Disabilities, in consultation with the Director of 36707
Job and Family Services, shall estimate the cost, less any 36708
adjustments from the previous quarter, of the nonfederal share of 36709
targeted case management for claims with service dates after 36710
December 31, 2005, and shall certify this amount to the Director 36711
of Budget and Management. Notwithstanding any other provision of 36712
law to the contrary, the Director of Budget and Management may 36713
transfer cash equal to the amount certified from any Department of 36714
Mental Retardation and Developmental Disabilities fund identified 36715
by the Director of Mental Retardation and Developmental 36716
Disabilities to the Department of Job and Family Services Fund 36717
5C9, Medicaid Program Support. 36718

County boards of mental retardation and developmental 36719
disabilities shall pay the nonfederal portion of targeted case 36720
management costs to the Department of Mental Retardation and 36721
Developmental Disabilities. Notwithstanding any other provision of 36722
law to the contrary, county boards of mental retardation and 36723
developmental disabilities may pledge funds from any appropriation 36724
line item to pay for the nonfederal costs of targeted case 36725
management. The Director of Mental Retardation and Developmental 36726

Disabilities shall withhold any amount owed to the department from subsequent disbursements from any appropriation line item or money otherwise due to a nonpaying county. The Director of Mental Retardation and Developmental Disabilities may transfer cash, through intrastate transfer vouchers, from any Department of Mental Retardation and Developmental Disabilities appropriation line item to Fund 5DJ. 36727
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The Director of Budget and Management may increase the appropriation level of the Department of Job and Family Services appropriation item 600-671, Medicaid Program Support, by \$9,340,000 in fiscal year 2006 and by \$20,280,000 in fiscal year 2007. The Director may then increase the appropriation level for the Department of Job and Family Services Fund 3F0, appropriation item 600-623, Health Care Federal, by the corresponding federal amount in fiscal year 2006 and fiscal year 2007. 36734
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Sec. 209.09.18. RESIDENTIAL FACILITIES 36742

General Revenue Fund 36743
GRF 323-321 Residential Facilities \$ 101,764,366 \$ 100,457,600 36744
Operations 36745
TOTAL GRF General Revenue Fund \$ 101,764,366 \$ 100,457,600 36746
General Services Fund Group 36747
152 323-609 Residential Facilities \$ 912,177 \$ 912,177 36748
Support 36749
TOTAL GSF General Services 36750
Fund Group \$ 912,177 \$ 912,177 36751
Federal Special Revenue Fund Group 36752
3A4 323-605 Developmental Center \$ 120,000,000 \$ 120,000,000 36753
Operation Expenses
325 323-608 Foster Grandparent \$ 575,000 \$ 575,000 36754
Program

TOTAL FED Federal Special Revenue				36755
Fund Group	\$	120,575,000	\$ 120,575,000	36756
State Special Revenue Fund Group				36757
221 322-620 Supplement Service	\$	150,000	\$ 150,000	36758
Trust				
489 323-632 Developmental Center	\$	12,125,628	\$ 12,125,628	36759
Direct Care Support				
TOTAL SSR State Special Revenue				36760
Fund Group	\$	12,275,628	\$ 12,275,628	36761
TOTAL ALL RESIDENTIAL FACILITIES				36762
BUDGET FUND GROUPS	\$	235,527,171	\$ 234,220,405	36763
DEPARTMENT TOTAL				36764
GENERAL REVENUE FUND	\$	352,880,570	\$ 353,397,967	36765
DEPARTMENT TOTAL				36766
GENERAL SERVICES FUND GROUP	\$	2,202,177	\$ 1,612,177	36767
DEPARTMENT TOTAL				36768
FEDERAL SPECIAL REVENUE FUND GROUP	\$	652,727,850	\$ 630,577,281	36769
DEPARTMENT TOTAL				36770
STATE SPECIAL REVENUE FUND GROUP	\$	114,300,628	\$ 114,300,628	36771
		<u>146,990,628</u>	<u>184,650,628</u>	
TOTAL DEPARTMENT OF MENTAL				36772
RETARDATION AND DEVELOPMENTAL				36773
DISABILITIES	\$	1,122,111,225	\$ 1,099,888,053	36774
		<u>1,154,801,225</u>	<u>1,170,238,053</u>	
Sec. 209.15. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION				36776
BOARD				36777
General Service Fund Group				36778
5H9 865-609 Operating Expenses -	\$	325,047	\$ <u>334,995</u>	36779
CRB				
TOTAL GSF General Services				36780
Fund Group	\$	325,047	\$ <u>334,995</u>	36781

TOTAL ALL BUDGET FUND GROUPS	\$	325,047	\$	0	<u>334,995</u>	36782
Sec. 209.18. DNR DEPARTMENT OF NATURAL RESOURCES						36784
General Revenue Fund						36785
GRF 725-401 Wildlife-GRF Central	\$	1,000,000	\$	1,000,000		36786
Support		<u>1,315,000</u>		<u>1,365,000</u>		
GRF 725-404 Fountain Square Rental	\$	1,025,300	\$	1,092,000		36787
Payments - OBA						
GRF 725-407 Conservation Reserve	\$	1,000,000	\$	1,000,000		36788
Enhancement Program						
GRF 725-413 OPFC Lease Rental	\$	18,699,100	\$	20,962,800		36789
Payments						
GRF 725-423 Stream and Ground	\$	311,910	\$	311,910		36790
Water Gauging						
GRF 725-425 Wildlife License	\$	646,319	\$	646,319		36791
Reimbursement						
GRF 725-456 Canal Lands	\$	332,859	\$	332,859		36792
GRF 725-502 Soil and Water	\$	9,836,436	\$	9,836,436		36793
Districts						
GRF 725-903 Natural Resources	\$	25,866,000	\$	24,359,100		36794
General Obligation						
Debt Service						
GRF 727-321 Division of Forestry	\$	8,541,511	\$	8,541,511		36795
GRF 728-321 Division of Geological	\$	1,630,000	\$	1,630,000		36796
Survey						
GRF 729-321 Office of Information	\$	440,895	\$	440,895		36797
Technology						
GRF 730-321 Division of Parks and	\$	37,874,841	\$	39,874,841		36798
Recreation						
GRF 731-321 Office of Coastal	\$	259,707	\$	259,707		36799
Management						
GRF 733-321 Division of Water	\$	3,257,619	\$	3,207,619		36800
GRF 736-321 Division of	\$	3,118,703	\$	3,118,703		36801

		Engineering					
GRF 737-321	Division of Soil and	\$ 4,074,788	\$ 4,074,788	36802			
	Water						
GRF 738-321	Division of Real	\$ 2,291,874	\$ 2,291,874	36803			
	Estate and Land						
	Management						
GRF 741-321	Division of Natural	\$ 3,009,505	\$ 3,009,505	36804			
	Areas and Preserves						
GRF 744-321	Division of Mineral	\$ 3,068,167	\$ 3,068,167	36805			
	Resources Management						
TOTAL GRF General Revenue Fund		\$ 126,285,534	\$ 129,059,034	36806			
		<u>126,600,534</u>	<u>129,424,034</u>	36807			
General Services Fund Group				36808			
155 725-601	Departmental Projects	\$ 3,135,821	\$ 3,011,726	36809			
157 725-651	Central Support	\$ 6,528,675	\$ 6,528,675	36810			
	Indirect						
204 725-687	Information Services	\$ 4,676,627	\$ 4,676,627	36811			
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000	36812			
207 725-690	Real Estate Services	\$ 64,000	\$ 64,000	36813			
223 725-665	Law Enforcement	\$ 2,096,225	\$ 2,096,225	36814			
	Administration						
227 725-406	Parks Projects	\$ 175,000	\$ 110,000	36815			
	Personnel						
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000	36816			
4S9 725-622	NatureWorks Personnel	\$ 472,648	\$ 307,648	36817			
4X8 725-662	Water Resources	\$ 125,000	\$ 125,000	36818			
	Council						
430 725-671	Canal Lands	\$ 797,582	\$ 847,582	36819			
508 725-684	Natural Resources	\$ 157,792	\$ 157,792	36820			
	Publications						
510 725-631	Maintenance -	\$ 260,849	\$ 260,849	36821			
	State-owned Residences						
516 725-620	Water Management	\$ 2,442,956	\$ 2,459,120	36822			

635	725-664	Fountain Square Facilities Management	\$	3,182,223	\$	3,190,223	36823
697	725-670	Submerged Lands	\$	542,011	\$	542,011	36824
TOTAL GSF General Services							36825
Fund Group			\$	25,182,409	\$	24,902,478	36826
Federal Special Revenue Fund Group							36827
3B3	725-640	Federal Forest Pass-Thru	\$	150,000	\$	150,000	36828
3B4	725-641	Federal Flood Pass-Thru	\$	350,000	\$	350,000	36829
3B5	725-645	Federal Abandoned Mine Lands	\$	14,310,497	\$	14,307,666	36830
3B6	725-653	Federal Land and Water Conservation Grants	\$	5,000,000	\$	5,000,000	36831
3B7	725-654	Reclamation - Regulatory	\$	2,107,292	\$	2,107,291	36832
3P0	725-630	Natural Areas and Preserves - Federal	\$	315,000	\$	315,000	36833
3P1	725-632	Geological Survey - Federal	\$	479,651	\$	479,651	36834
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$	367,912	36835
3P3	725-650	Coastal Management - Federal	\$	1,592,923	\$	1,607,686	36836
3P4	725-660	Water - Federal	\$	419,766	\$	420,525	36837
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	2,225,000	\$	2,225,000	36838
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	36839
328	725-603	Forestry Federal	\$	1,813,827	\$	2,228,081	36840
332	725-669	Federal Mine Safety Grant	\$	258,102	\$	258,102	36841
TOTAL FED Federal Special Revenue							36842
Fund Group			\$	30,963,862	\$	31,395,785	36843

	State Special Revenue Fund Group					36844	
4J2	725-628	Injection Well Review	\$	93,957	\$	79,957	36845
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	36846
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	36847
		Protection					
<u>5BV</u>	<u>725-683</u>	<u>Soil and Water</u>	<u>\$</u>	<u>1,850,000</u>	<u>\$</u>	<u>1,850,000</u>	36848
		<u>Districts</u>					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	36849
5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	36850
		Districts					
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$	3,500,000	36851
		Administration					
509	725-602	State Forest	\$	2,291,664	\$	2,591,664	36852
511	725-646	Ohio Geological	\$	549,310	\$	549,310	36853
		Mapping					
512	725-605	State Parks Operations	\$	26,814,288	\$	26,814,288	36854
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	36855
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	612,075	\$	657,113	36856
518	725-643	Oil and Gas Permit	\$	2,674,377	\$	2,674,378	36857
		Fees					
518	725-677	Oil and Gas Well	\$	1,200,000	\$	1,200,000	36858
		Plugging					
521	725-627	Off-Road Vehicle	\$	143,490	\$	143,490	36859
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,550,670	\$	1,550,670	36860
		Funds					
526	725-610	Strip Mining	\$	1,932,492	\$	1,932,492	36861
		Administration Fee					
527	725-637	Surface Mining	\$	2,312,815	\$	2,322,702	36862
		Administration					
529	725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257	36863
531	725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237	36864

532	725-644	Litter Control and Recycling	\$	7,100,000	\$	7,100,000	36865
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	36866
615	725-661	Dam Safety	\$	365,223	\$	365,223	36867
TOTAL SSR State Special Revenue							36868
Fund Group			\$	60,487,768	\$	60,136,971	36869
Clean Ohio Fund Group							36870
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	36871
TOTAL CLF Clean Ohio Fund Group							36872
Wildlife Fund Group							36873
015	740-401	Division of Wildlife Conservation	\$	49,447,500	\$	50,447,500	36874
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	36875
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	36876
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	36877
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	36878
819	725-685	Ohio River Management	\$	128,584	\$	128,584	36879
TOTAL WLF Wildlife Fund Group							36880
Waterways Safety Fund Group							36881
086	725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343	36882
086	725-418	Buoy Placement	\$	52,182	\$	52,182	36883
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	36884
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	36885
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	36886
086	739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681	36887
5AW	725-682	Watercraft Revolving Loans	\$	3,000,000	\$	1,000,000	36888

TOTAL WSF Waterways Safety Fund				36889	
Group	\$	27,953,097	\$	26,011,869	36890
Holding Account Redistribution Fund Group				36891	
R17 725-659 Performance Cash Bond	\$	374,263	\$	374,263	36892
Refunds					
R43 725-624 Forestry	\$	2,500,000	\$	1,500,000	36893
TOTAL 090 Holding Account				36894	
Redistribution Fund Group	\$	2,874,263	\$	1,874,263	36895
Accrued Leave Liability Fund Group				36896	
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	36897
TOTAL ALF Accrued Leave				36898	
Liability Fund Group	\$	20,844	\$	20,844	36899
TOTAL ALL BUDGET FUND GROUPS	\$	331,086,195	\$	331,719,662	36900
		<u>331,401,195</u>		<u>332,084,662</u>	36901

Sec. 209.18.09. WILDLIFE LICENSE REIMBURSEMENT 36903

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

CANAL LANDS 36918

The foregoing appropriation item 725-456, Canal Lands, shall 36919
be used to transfer funds to the Canal Lands Fund (Fund 430) to 36920
provide operating expenses for the State Canal Lands Program. The 36921
transfer shall be made using an intrastate transfer voucher and 36922
shall be subject to the approval of the Director of Budget and 36923
Management. 36924

SOIL AND WATER DISTRICTS 36925

In addition to state payments to soil and water conservation 36926
districts authorized by section 1515.10 of the Revised Code, the 36927
Department of Natural Resources may pay to any soil and water 36928
conservation district, from authority in appropriation item 36929
725-502, Soil and Water Districts, an annual amount not to exceed 36930
\$30,000, upon receipt of a request and justification from the 36931
district and approval by the Ohio Soil and Water Conservation 36932
Commission. The county auditor shall credit the payments to the 36933
special fund established under section 1515.10 of the Revised Code 36934
for the local soil and water conservation district. Moneys 36935
received by each district shall be expended for the purposes of 36936
the district. The foregoing appropriation item 725-683, Soil and 36937
Water Districts, shall be expended for the purposes described 36938
above, except that the funding source for this appropriation shall 36939
be a fee applied on the disposal of construction and demolition 36940
debris as provided in section 1515.14 of the Revised Code, as 36941
amended by ~~this act~~ Am. Sub. H.B. 66 of the 126th General 36942
Assembly. 36943

Of the foregoing appropriation item 725-502, Soil and Water 36944
Districts, \$25,000 in each fiscal year shall be used for the 36945
Conservation Action Project. 36946

Of the foregoing appropriation item, 725-683, Soil and Water 36947
Districts, \$200,000 in each fiscal year shall be used to support 36948
the Heidelberg College Water Quality Laboratory. 36949

Of the foregoing appropriation item 725-683, Soil and Water
Districts, \$100,000 in each fiscal year shall be used to support
the Muskingum Watershed Conservancy District.

Of the foregoing appropriation item 725-683, Soil and Water
Districts, \$100,000 in each fiscal year shall be used to support
the Indian Lake Watershed in Logan County.

DIVISION OF WATER 36956

Of the foregoing appropriation item 733-321, Division of
Water, \$50,000 in fiscal year 2006 shall be used for the Fairport
Harbor Port Authority boat launch in Lake County.

FUND CONSOLIDATION 36960

The Director of Budget and Management shall transfer an
amount certified by the Director of Natural Resources from the
Central Support Indirect Fund (Fund 157) to the Law Enforcement
Administration Fund (Fund 223) and the Information Services Fund
(Fund 204) to implement a direct cost recovery plan.

STATE PARK DEPRECIATION RESERVE 36966

The foregoing appropriation item 725-680, Parks Facilities
Maintenance, shall be used by the Division of Parks and Recreation
to maintain state park revenue producing facilities in the best
economic operating condition and to repair and replace equipment
used in the operation of state park revenue producing facilities.

Upon certification of the Director of Natural Resources, the
Director of Budget and Management shall transfer the cash balance
in the Depreciation Reserve Fund (Fund 161), which is abolished in
section 1541.221 of the Revised Code, as amended by ~~this act~~ Am.
Sub. H.B. 66 of the 126th General Assembly, to the State Park Fund
(Fund 512), which is created in section 1541.22 of the Revised
Code. All outstanding encumbrances shall be ~~cancelled~~ canceled on
October 1, 2005.

OIL AND GAS WELL PLUGGING 36980

The foregoing appropriation item 725-677, Oil and Gas Well 36981
Plugging, shall be used exclusively for the purposes of plugging 36982
wells and to properly restore the land surface of idle and orphan 36983
oil and gas wells pursuant to section 1509.071 of the Revised 36984
Code. No funds from the appropriation item shall be used for 36985
salaries, maintenance, equipment, or other administrative 36986
purposes, except for those costs directly attributed to the 36987
plugging of an idle or orphan well. Appropriation authority from 36988
this appropriation item shall not be transferred to any other fund 36989
or line item. 36990

LITTER CONTROL AND RECYCLING 36991

Of the foregoing appropriation item, 725-644, Litter Control 36992
and Recycling, not more than \$1,500,000 may be used in each fiscal 36993
year for the administration of the Recycling and Litter Prevention 36994
program. 36995

CLEAN OHIO OPERATING EXPENSES 36996

The foregoing appropriation item 725-405, Clean Ohio 36997
Operating, shall be used by the Department of Natural Resources in 36998
administering section 1519.05 of the Revised Code. 36999

WATERCRAFT MARINE PATROL 37000

Of the foregoing appropriation item 739-401, Division of 37001
Watercraft, not more than \$200,000 in each fiscal year shall be 37002
expended for the purchase of equipment for marine patrols 37003
qualifying for funding from the Department of Natural Resources 37004
pursuant to section 1547.67 of the Revised Code. Proposals for 37005
equipment shall accompany the submission of documentation for 37006
receipt of a marine patrol subsidy pursuant to section 1547.67 of 37007
the Revised Code and shall be loaned to eligible marine patrols 37008
pursuant to a cooperative agreement between the Department of 37009

Natural Resources and the eligible marine patrol. 37010

WATERCRAFT REVOLVING LOAN PROGRAM 37011

Upon certification by the Director of Natural Resources, the 37012
Director of Budget and Management shall transfer an amount not to 37013
exceed \$3,000,000 in fiscal year 2006 and not to exceed \$1,000,000 37014
in fiscal year 2007 so certified from the Waterways Safety Fund 37015
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 37016
moneys shall be used pursuant to section 1547.721 of the Revised 37017
Code. 37018

PARKS CAPITAL EXPENSES FUND 37019

There is hereby created in the state treasury the Parks 37020
Capital Expenses Fund (Fund 227). The fund shall be used to pay 37021
for design, engineering, and planning costs incurred by the 37022
Department of Natural Resources for capital parks projects. 37023

The Director of Natural Resources shall submit to the 37024
Director of Budget and Management the estimated design, 37025
engineering, and planning costs of capital-related work to be done 37026
by Department of Natural Resources staff for parks projects. If 37027
the Director of Budget and Management approves the estimated 37028
costs, the Director may release appropriations from appropriation 37029
item 725-406, Parks Projects Personnel, for those purposes. Upon 37030
release of the appropriations, the Department of Natural Resources 37031
shall pay for these expenses from the Parks Capital Expenses Fund 37032
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 37033
Parks and Recreation Improvement Fund (Fund 035) using an 37034
intrastate transfer voucher. In fiscal year 2006 the Director of 37035
Budget and Management shall transfer, using an intrastate transfer 37036
voucher, \$20,000 from the Parks and Recreation Improvement Fund 37037
(Fund 035) to the Parks Capital Expenses Fund (Fund 227). 37038

Sec. 209.24. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND 37039

ATHLETIC TRAINERS BOARD					37040
General Services Fund Group					37041
4K9 890-609 Operating Expenses	\$	824,057	\$	± <u>836,529</u>	37042
TOTAL GSF General Services Fund Group	\$	824,057	\$	± <u>836,529</u>	37043
TOTAL ALL BUDGET FUND GROUPS	\$	824,057	\$	± <u>836,529</u>	37044
Sec. 209.30. ODB OHIO OPTICAL DISPENSERS BOARD					37046
General Services Fund Group					37047
4K9 894-609 Operating Expenses	\$	316,517	\$	± <u>312,656</u>	37048
TOTAL GSF General Services Fund Group	\$	316,517	\$	± <u>312,656</u>	37050
TOTAL ALL BUDGET FUND GROUPS	\$	316,517	\$	± <u>312,656</u>	37051
Sec. 209.33. OPT STATE BOARD OF OPTOMETRY					37053
General Services Fund Group					37054
4K9 885-609 Operating Expenses	\$	336,771	\$	± <u>336,771</u>	37055
TOTAL GSF General Services Fund Group	\$	336,771	\$	± <u>336,771</u>	37057
TOTAL ALL BUDGET FUND GROUPS	\$	336,771	\$	± <u>336,771</u>	37058
Sec. 209.36. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					37060
General Services Fund Group					37062
4K9 973-609 Operating Expenses	\$	99,571	\$	± <u>106,035</u>	37063
TOTAL GSF General Services Fund Group	\$	99,571	\$	± <u>106,035</u>	37065
TOTAL ALL BUDGET FUND GROUPS	\$	99,571	\$	± <u>106,035</u>	37066
Sec. 209.45. PSY STATE BOARD OF PSYCHOLOGY					37067
General Services Fund Group					37068
4K9 882-609 Operating Expenses	\$	566,112	\$	± <u>586,565</u>	37069

TOTAL GSF General Services				37070
Fund Group	\$	566,112	\$ 0 <u>586,565</u>	37071
TOTAL ALL BUDGET FUND GROUPS	\$	566,112	\$ 0 <u>586,565</u>	37072
 Sec. 209.63. BOR BOARD OF REGENTS				37074
General Revenue Fund				37075
GRF 235-321 Operating Expenses	\$	2,897,659	\$ 2,966,351	37076
GRF 235-401 Lease Rental Payments	\$	200,619,200	\$ 200,795,300	37077
GRF 235-402 Sea Grants	\$	231,925	\$ 231,925	37078
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$ 2,900,000	37079
GRF 235-408 Midwest Higher Education Compact	\$	90,000	\$ 90,000	37080
GRF 235-409 Information System	\$	1,146,510	\$ 1,175,172	37081
GRF 235-414 State Grants and Scholarship Administration	\$	1,352,811	\$ 1,382,881	37082
GRF 235-415 Jobs Challenge	\$	9,348,300	\$ 9,348,300	37083
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$ 3,119,496	37084
GRF 235-418 Access Challenge	\$	73,513,302	\$ 73,004,671	37085
GRF 235-420 Success Challenge	\$	52,601,934	\$ 52,601,934	37086
GRF 235-428 Appalachian New Economy Partnership	\$	1,176,068	\$ 1,176,068	37087
GRF 235-433 Economic Growth Challenge	\$	20,343,097	\$ 23,186,194	37088
GRF 235-434 College Readiness and Access	\$	6,375,975	\$ 7,655,425	37089
GRF 235-435 Teacher Improvement Initiatives	\$	2,697,506	\$ 2,697,506	37090
GRF 235-451 Eminent Scholars	\$	0	\$ 1,370,988	37091
GRF 235-455 EnterpriseOhio Network	\$	1,373,941	\$ 1,373,941	37092
GRF 235-474 Area Health Education Centers Program	\$	1,571,756	\$ 1,571,756	37093

	Support				
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,589,096,031	37094	
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	37095	
GRF 235-503	Ohio Instructional Grants	\$ 121,151,870	\$ 92,496,969	37096	
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	37097	
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	37098	
GRF 235-508	Air Force Institute of Technology	\$ 1,925,345	\$ 1,925,345	37099	
GRF 235-510	Ohio Supercomputer Center	\$ 4,271,195	\$ 4,271,195	37100	
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	37101	
GRF 235-513	Ohio University Voinovich Center	\$ 336,082	\$ 336,082	37102	
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,011,271	\$ 3,011,271	37103	
GRF 235-518	Capitol Scholarship Program	\$ 125,000	\$ 125,000	37104	
GRF 235-519	Family Practice	\$ 4,548,470	\$ 4,548,470	37105	
GRF 235-520	Shawnee State Supplement	\$ 1,918,830	\$ 1,822,889	37106	
GRF 235-521	The Ohio State University Glenn Institute	\$ 286,082	\$ 286,082	37107	
GRF 235-524	Police and Fire Protection	\$ 171,959	\$ 171,959	37108	
GRF 235-525	Geriatric Medicine	\$ 750,110	\$ 750,110	37109	
GRF 235-526	Primary Care	\$ 2,245,688	\$ 2,245,688	37110	

	Residencies				
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 37111
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 37112
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376 37113
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500 37114
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188 37115
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 37116
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 37117
GRF 235-538	Medical University of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 37118
GRF 235-539	Wright State University Clinical Teaching		4,225,107	\$	4,225,107 37119
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 37120
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 37121
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000 37122
GRF 235-547	School of International Business	\$	450,000	\$	450,000 37123

GRF 235-549	Part-time Student Instructional Grants	\$ 14,457,721	\$ 10,534,617	37124
GRF 235-552	Capital Component	\$ 19,058,863	\$ 19,058,863	37125
		<u>19,059,866</u>	<u>19,059,866</u>	
GRF 235-553	Dayton Area Graduate Studies Institute	\$ 2,806,599	\$ 2,806,599	37126
GRF 235-554	Priorities in Collaborative Graduate Education	\$ 2,355,548	\$ 2,355,548	37127
GRF 235-555	Library Depositories	\$ 1,696,458	\$ 1,696,458	37128
GRF 235-556	Ohio Academic Resources Network	\$ 3,727,223	\$ 3,727,223	37129
GRF 235-558	Long-term Care Research	\$ 211,047	\$ 211,047	37130
GRF 235-561	Bowling Green State University Canadian Studies Center	\$ 100,015	\$ 100,015	37131
GRF 235-563	Ohio College Opportunity Grant	\$ 0	\$ 58,144,139	37132
GRF 235-572	The Ohio State University Clinic Support	\$ 1,277,019	\$ 1,277,019	37133
GRF 235-583	Urban University Program	\$ 4,992,937	\$ 4,992,937	37134
GRF 235-587	Rural University Projects	\$ 1,147,889	\$ 1,147,889	37135
GRF 235-596	Hazardous Materials Program	\$ 360,435	\$ 360,435	37136
GRF 235-599	National Guard Scholarship Program	\$ 15,128,472	\$ 16,611,063	37137
GRF 235-909	Higher Education General Obligation Debt Service	\$ 137,600,300	\$ 152,114,100	37138

TOTAL GRF General Revenue Fund	\$	2,469,260,757	\$	2,548,147,869	37139
		<u>2,469,261,760</u>		<u>2,548,148,872</u>	
General Services Fund Group					37140
220 235-614 Program Approval and Reauthorization	\$	400,000	\$	400,000	37141
456 235-603 Sales and Services	\$	700,000	\$	900,000	37142
TOTAL GSF General Services Fund Group	\$	1,100,000	\$	1,300,000	37143 37144
Federal Special Revenue Fund Group					37145
3H2 235-608 Human Services Project	\$	1,500,000	\$	1,500,000	37146
3H2 235-622 Medical Collaboration Network	\$	3,346,143	\$	3,346,143	37147
3N6 235-605 State Student Incentive Grants	\$	2,196,680	\$	2,196,680	37148
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	37149
312 235-609 Tech Prep	\$	183,850	\$	183,850	37150
312 235-611 Gear-up Grant	\$	1,370,691	\$	1,370,691	37151
312 235-612 Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	37152
312 235-615 Professional Development	\$	523,129	\$	523,129	37153
312 235-617 Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000	37154
312 235-619 Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000	37155
312 235-621 Science Education Network	\$	1,686,970	\$	1,686,970	37156
312 235-631 Federal Grants	\$	250,590	\$	250,590	37157
TOTAL FED Federal Special Revenue					37158

Fund Group	\$	20,221,014	\$	20,221,014	37159
State Special Revenue Fund Group					37160
4E8 235-602 Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	37161
4P4 235-604 Physician Loan Repayment	\$	476,870	\$	476,870	37162
649 235-607 The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	37163
682 235-606 Nursing Loan Program	\$	893,000	\$	893,000	37164
TOTAL SSR State Special Revenue Fund Group					37165 37166
TOTAL ALL BUDGET FUND GROUPS	\$	2,492,766,641	\$	2,571,853,753	37167
		<u>2,492,767,644</u>		<u>2,571,854,756</u>	

Sec. 209.63.42. COLLEGE READINESS AND ACCESS 37169

Appropriation item 235-434, College Readiness and Access, 37170
shall be used by the Board of Regents to support programs designed 37171
to improve the academic preparation and increase the number of 37172
students that enroll and succeed in higher education such as the 37173
Ohio College Access Network, the state match for the federal 37174
Gaining Early Awareness and Readiness for Undergraduate Program, 37175
and early awareness initiatives. The appropriation item shall also 37176
be used to support innovative statewide strategies to increase 37177
student access and retention for specialized populations, and to 37178
provide for pilot projects that will contribute to improving 37179
access to higher education by specialized populations. The funds 37180
may be used for projects that improve access for nonpublic 37181
secondary students. 37182

Of the foregoing appropriation item 235-434, College 37183

Readiness and Access, \$798,684 in fiscal year 2006 and \$822,645 in 37184
fiscal year 2007 shall be distributed to the Ohio Appalachian 37185
Center for Higher Education at Shawnee State University. The board 37186
of directors of the Center shall consist of the presidents of 37187
Shawnee State University, Ohio University, Belmont Technical 37188
College, Hocking College, Jefferson Community College, Zane State 37189
College, Rio Grande Community College, Southern State Community 37190
College, and Washington State Community College; the dean of one 37191
of the Salem, Tuscarawas, and East Liverpool regional campuses of 37192
Kent State University, as designated by the president of Kent 37193
State University; and a representative of the Board of Regents 37194
designated by the Chancellor. 37195

Of the foregoing appropriation item 235-434, College 37196
Readiness and Access, \$169,553 in fiscal year 2006 and \$174,640 in 37197
fiscal year 2007 shall be distributed to Miami University for the 37198
Student Achievement in Research and Scholarship (STARS) Program. 37199

Of the foregoing appropriation item 235-434, College 37200
Readiness and Access, \$1,574,535 in fiscal year 2006 and 37201
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 37202
funding provided in the Ohio Department of Education budget under 37203
appropriation item 200-431, School Improvement Initiatives, to 37204
support the Early College High School Pilot Program. The funds 37205
shall be distributed according to guidelines established by the 37206
Department of Education and the Board of Regents. 37207

Sec. 209.64.60. RURAL UNIVERSITY PROJECTS 37208

Of the foregoing appropriation item 235-587, Rural University 37209
Projects, Bowling Green State University shall receive \$263,783 in 37210
each fiscal year, Miami University shall receive \$245,320 in each 37211
fiscal year, and Ohio University shall receive \$575,015 in each 37212
fiscal year. These funds shall be used to support the Institute 37213
for Local Government Administration and Rural Development at Ohio 37214

University, the Center for Public Management and Regional Affairs 37215
 at Miami University, and the Center for ~~Policy Analysis and Public~~ 37216
~~Service~~ Regional Development at Bowling Green State University. 37217

A small portion of the funds provided to Ohio University 37218
 shall also be used for the Institute for Local Government 37219
 Administration and Rural Development State and Rural Policy 37220
 Partnership with the Governor's Office of Appalachia and the 37221
 Appalachian delegation of the General Assembly. 37222

Of the foregoing appropriation item 235-587, Rural University 37223
 Projects, \$15,942 in each fiscal year shall be used to support the 37224
 Washington State Community College day care center. 37225

Of the foregoing appropriation item 235-587, Rural University 37226
 Projects, \$47,829 in each fiscal year shall be used to support the 37227
 COAD/ILGARD/GOA Appalachian Leadership Initiative. 37228

Sec. 209.75. RCB RESPIRATORY CARE BOARD 37229

General Services Fund Group 37230
 4K9 872-609 Operating Expenses \$ 441,987 \$ 0 450,520 37231
 TOTAL GSF General Services 37232
 Fund Group \$ 441,987 \$ 0 450,520 37233
 TOTAL ALL BUDGET FUND GROUPS \$ 441,987 \$ 0 450,520 37234

Sec. 209.81. SAN BOARD OF SANITARIAN REGISTRATION 37236

General Services Fund Group 37237
 4K9 893-609 Operating Expenses \$ 134,279 \$ 0 138,551 37238
 TOTAL GSF General Services 37239
 Fund Group \$ 134,279 \$ 0 138,551 37240
 TOTAL ALL BUDGET FUND GROUPS \$ 134,279 \$ 0 138,551 37241

Sec. 209.90.06. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 37243
FACILITIES 37244

Notwithstanding any other provision of law to the contrary, 37245
the School Facilities Commission may provide assistance under the 37246
Exceptional Needs School Facilities Program established in section 37247
3318.37 of the Revised Code to any school district, and not 37248
exclusively to a school district in the lowest ~~fifty~~ seventy-five 37249
per cent of adjusted valuation per pupil on the current ranking of 37250
school districts established under section 3317.02 of the Revised 37251
Code, for the purpose of the relocation or replacement of school 37252
facilities required as a result of extreme environmental 37253
contamination. 37254

The School Facilities Commission shall contract with an 37255
independent environmental consultant to conduct a study and to 37256
report to the commission as to the seriousness of the 37257
environmental contamination, whether the contamination violates 37258
applicable state and federal standards, and whether the facilities 37259
are no longer suitable for use as school facilities. The 37260
commission then shall make a determination regarding funding for 37261
the relocation or replacement of the school facilities. If the 37262
federal government or other public or private entity provides 37263
funds for restitution of costs incurred by the state or school 37264
district in the relocation or replacement of the school 37265
facilities, the school district shall use such funds in excess of 37266
the school district's share to refund the state for the state's 37267
contribution to the environmental contamination portion of the 37268
project. The school district may apply an amount of such 37269
restitution funds up to an amount equal to the school district's 37270
portion of the project, as defined by the commission, toward 37271
paying its portion of that project to reduce the amount of bonds 37272
the school district otherwise must issue to receive state 37273
assistance under sections 3318.01 to 3318.20 of the Revised Code. 37274

Sec. 212.03. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 37275

AUDIOLOGY				37276
General Services Fund Group				37277
4K9 886-609 Operating Expenses	\$	408,864	\$ 0 <u>415,000</u>	37278
TOTAL GSF General Services				37279
Fund Group	\$	408,864	\$ 0 <u>415,000</u>	37280
TOTAL ALL BUDGET FUND GROUPS	\$	408,864	\$ 0 <u>415,000</u>	37281
Sec. 212.24. OVH OHIO VETERANS' HOME				37283
General Revenue Fund				37284
GRF 430-100 Personal Services	\$	20,629,914	\$ 21,030,031	37285
		<u>21,429,914</u>	<u>21,830,031</u>	
GRF 430-200 Maintenance	\$	6,396,200	\$ 6,396,200	37286
		<u>7,246,200</u>	<u>7,246,200</u>	
TOTAL GRF General Revenue Fund	\$	27,026,114	\$ 27,426,231	37287
		<u>28,676,114</u>	<u>29,076,231</u>	
General Services Fund Group				37288
484 430-603 Rental and Service	\$	882,737	\$ 882,737	37289
Revenue				
TOTAL GSF General Services Fund	\$	882,737	\$ 882,737	37290
Group				
Federal Special Revenue Fund Group				37291
3L2 430-601 Federal VA Per Diem	\$	14,990,510	\$ 15,290,320	37292
Grant				
TOTAL FED Federal Special Revenue				37293
Fund Group	\$	14,990,510	\$ 15,290,320	37294
State Special Revenue Fund Group				37295
4E2 430-602 Veterans Home	\$	8,322,731	\$ 8,530,800	37296
Operating				
604 430-604 Veterans Home	\$	770,096	\$ 770,096	37297
Improvement				
TOTAL SSR State Special Revenue				37298

Fund Group	\$	9,092,827	\$	9,300,896	37299
TOTAL ALL BUDGET FUND GROUPS	\$	51,992,188	\$	52,900,184	37300
		<u>53,642,188</u>		<u>54,550,184</u>	

Notwithstanding any other provision of law to the contrary, 37301
in fiscal year 2006 and in fiscal year 2007, the Director of 37302
Budget and Management may transfer cash from SSR Fund 604, 37303
Veterans Home Improvement Fund, to SSR Fund 4E2, Veterans Home 37304
Operating Fund. Any cash transfer described in this section shall 37305
be used in accordance with section 5907.131 of the Revised Code. 37306
The amount transferred by the Director is hereby appropriated to 37307
foregoing SSR appropriation item 430-602, Veterans Home Operating 37308
(Fund 4E2). 37309

Within thirty days after the conclusion of each fiscal 37310
quarter, the Ohio Veterans' Home Agency shall submit a report on 37311
the status of the Agency's fiscal operations to the Governor, 37312
President of the Senate, Minority Leader of the Senate, Speaker of 37313
the House of Representatives, and Minority Leader of the House of 37314
Representatives. 37315

Sec. 212.27. VET VETERANS' ORGANIZATIONS 37316

General Revenue Fund					37317
		VAP AMERICAN EX-PRISONERS OF WAR			37318
GRF 743-501 State Support	\$	25,030	\$	25,030	37319
		VAN ARMY AND NAVY UNION, USA, INC.			37320
GRF 746-501 State Support	\$	55,012	\$	55,012	37321
		VKW KOREAN WAR VETERANS			37322
GRF 747-501 State Support	\$	49,453	\$	49,453	37323
		VJW JEWISH WAR VETERANS			37324
GRF 748-501 State Support	\$	29,715	\$	29,715	37325
		VCW CATHOLIC WAR VETERANS			37326
GRF 749-501 State Support	\$	57,990	\$	57,990	37327
		VPH MILITARY ORDER OF THE PURPLE HEART			37328

GRF 750-501	State Support	\$	56,377	\$	56,377	37329
	VVV VIETNAM VETERANS OF AMERICA					37330
GRF 751-501	State Support	\$	185,954	\$	185,954	37331
	VAL AMERICAN LEGION OF OHIO					37332
GRF 752-501	State Support	\$	302,328	\$	302,328	37333
	VII AMVETS					37334
GRF 753-501	State Support	\$	287,919	\$	287,919	37335
	VAV DISABLED AMERICAN VETERANS					37336
GRF 754-501	State Support	\$	216,308	\$	216,308	37337
	VMC MARINE CORPS LEAGUE					37338
GRF 756-501	State Support	\$	115,972	\$	115,972	37339
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION					37340
GRF 757-501	State Support	\$	5,946	\$	5,946	37341
	VFW VETERANS OF FOREIGN WARS					37342
GRF 758-501	State Support	\$	246,615	\$	246,615	37343
TOTAL GRF General Revenue Fund		\$	1,634,619	\$	1,634,619	37344
TOTAL ALL BUDGET FUND GROUPS		\$	1,634,619	\$	1,634,619	37345
	RELEASE OF FUNDS					37346
	The foregoing appropriation items 743-501, 746-501, 747-501,					37347
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,					37348
	756-501, 757-501, and 758-501, State Support, shall be released					37349
	upon approval by the Director of Budget and Management.					37350
	CENTRAL OHIO UNITED SERVICES ORGANIZATION					37351
	Of the foregoing appropriation item 751-501, State Support,					37352
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be					37353
	used to support the activities of the Central Ohio USO.					37354
	VAL AMERICAN LEGION OF OHIO					37355
	Of the foregoing appropriation item 752-501, State Support,					37356
	VAL American Legion, at least \$50,000 in each fiscal year shall be					37357
	used to fund service officer expenses.					37358
	VETERANS SERVICE COMMISSION EDUCATION					37359

Of the foregoing appropriation item 753-501, State Support, 37360
AMVETS, up to \$20,000 in each fiscal year may be used to provide 37361
moneys to the Association of County Veterans Service Commissioners 37362
to reimburse its member county veterans service commissions for 37363
costs incurred in carrying out educational and outreach duties 37364
required under divisions (E) and (F) of section 5901.03 of the 37365
Revised Code. ~~Additionally, at least \$50,000 shall be used in each~~ 37366
~~fiscal year to fund service officer expenses.~~ The Director of 37367
Budget and Management shall release these funds upon the 37368
presentation of an itemized receipt, approved by the Governor's 37369
Office of Veterans Affairs, from the association for reasonable 37370
and appropriate expenses incurred while performing these duties. 37371
The association shall establish uniform procedures for reimbursing 37372
member commissions. 37373

VII AMVETS 37374

Of the foregoing appropriation item 753-501, State Support, 37375
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 37376
service officer expenses. 37377

VAV DISABLED AMERICAN VETERANS 37378

Of the foregoing appropriation item 754-501, State Support, 37379
VAV Disabled American Veterans, at least \$50,000 in each fiscal 37380
year shall be used to fund service officer expenses. 37381

VMC MARINE CORPS LEAGUE 37382

Of the foregoing appropriation item 756-501, State Support, 37383
VMC Marine Corps League, at least \$30,000 in each fiscal year 37384
shall be used to fund service officer expenses. 37385

VFW VETERANS OF FOREIGN WARS 37386

Of the foregoing appropriation item 758-501, State Support, 37387
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 37388
shall be used to fund service officer expenses. 37389

Sec. 212.30.	DVM STATE VETERINARY MEDICAL BOARD				37390
	General Services Fund Group				37391
4K9 888-609	Operating Expenses	\$	293,691	\$	± <u>307,000</u>
5BU 888-602	Veterinary Student	\$	60,000	\$	± <u>60,000</u>
	Loan Program				
	TOTAL GSF General Services				37394
	Fund Group	\$	353,691	\$	± <u>367,000</u>
	TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$	± <u>367,000</u>
	CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM FUND (FUND				37397
	5BU)				37398
	On July 1, 2005, or as soon as possible thereafter, the				37399
	Director of Budget and Management shall transfer \$60,000 in cash				37400
	from the Occupational Licensing and Regulatory Fund (Fund 4K9) to				37401
	the Veterinary Student Loan Program Fund (Fund 5BU), which is				37402
	hereby created. The amount of the transfer is hereby appropriated.				37403
	VETERINARY STUDENT LOAN PROGRAM				37404
	The foregoing appropriation item 888-602, Veterinary Student				37405
	Loan Program, shall be used by the Veterinary Medical Licensing				37406
	Board to implement a student loan repayment program for veterinary				37407
	students focusing on large animal populations, public health, or				37408
	regulatory veterinary medicine.				37409
Sec. 212.33.	DYS DEPARTMENT OF YOUTH SERVICES				37410
	General Revenue Fund				37411
GRF 470-401	RECLAIM Ohio	\$	177,016,683	\$	182,084,588
GRF 470-412	Lease Rental Payments	\$	20,267,500	\$	21,882,700
GRF 470-510	Youth Services	\$	18,608,587	\$	18,608,587
GRF 472-321	Parole Operations	\$	14,358,995	\$	14,962,871
GRF 477-321	Administrative	\$	14,239,494	\$	14,754,420
	Operations				

TOTAL GRF General Revenue Fund	\$	244,491,259	\$	252,293,166	37417
General Services Fund Group					37418
175 470-613 Education	\$	10,112,529	\$	9,450,598	37419
Reimbursement					
4A2 470-602 Child Support	\$	320,641	\$	328,657	37420
4G6 470-605 General Operational	\$	10,000	\$	10,000	37421
Funds					
479 470-609 Employee Food Service	\$	141,466	\$	137,666	37422
523 470-621 Wellness Program	\$	46,937	\$	0	37423
6A5 470-616 Building Demolition	\$	31,100	\$	0	37424
TOTAL GSF General Services					37425
Fund Group	\$	10,662,673	\$	9,926,921	37426
Federal Special Revenue Fund Group					37427
3V5 470-604 Juvenile	\$	4,254,745	\$	4,254,746	37428
Justice/Delinquency					
Prevention					
3W0 470-611 Federal Juvenile	\$	222,507	\$	0	37429
Programs FFY 02					
3Z8 470-625 Federal Juvenile	\$	1,500,001	\$	773,812	37430
Programs FFY 04					
3Z9 470-626 Federal Juvenile	\$	465,000	\$	0	37431
Programs FFY 05					
321 470-601 Education	\$	1,422,580	\$	1,465,399	37432
321 470-603 Juvenile Justice	\$	1,981,169	\$	2,006,505	37433
Prevention					
321 470-606 Nutrition	\$	2,471,550	\$	2,470,655	37434
321 470-614 Title IV-E	\$	4,960,589	\$	6,012,361	37435
Reimbursements					
321 470-617 Americorps Programs	\$	456,000	\$	463,700	37436
TOTAL FED Federal Special Revenue					37437
Fund Group	\$	17,734,141	\$	17,447,178	37438
State Special Revenue Fund Group					37439

147	470-612	Vocational Education	\$	1,937,784	\$	2,009,866	37440
4W3	470-618	Help Me Grow	\$	11,000	\$	11,000	37441
5BH	470-628	Partnerships for Success	\$	1,500,000	\$	1,500,000	37442
TOTAL SSR State Special Revenue							37443
Fund Group			\$	3,448,784	\$	3,520,866	37444
TOTAL ALL BUDGET FUND GROUPS			\$	276,336,857	\$	283,188,131	37445
RECLAIM OHIO							37446
Of the foregoing appropriation item 470-401, RECLAIM Ohio,							37447
\$25,000 in each fiscal year shall be distributed directly to the							37448
Lighthouse Youth Services Wrap-Around Program.							37449
OHIO BUILDING AUTHORITY LEASE PAYMENTS							37450
The foregoing appropriation item 470-412, Lease Rental							37451
Payments, in the Department of Youth Services, shall be used for							37452
payments to the Ohio Building Authority for the period from July							37453
1, 2005, to June 30, 2007, under the primary leases and agreements							37454
for facilities made under Chapter 152. of the Revised Code, but							37455
limited to the aggregate amount of \$42,150,200. This appropriation							37456
is the source of funds pledged for bond service charges on related							37457
obligations issued pursuant to Chapter 152. of the Revised Code.							37458
							37459
EDUCATION REIMBURSEMENT							37460
The foregoing appropriation item 470-613, Education							37461
Reimbursement, shall be used to fund the operating expenses of							37462
providing educational services to youth supervised by the							37463
Department of Youth Services. Operating expenses include, but are							37464
not limited to, teachers' salaries, maintenance costs, and							37465
educational equipment. This appropriation item may be used for							37466
capital expenses related to the education program.							37467
EMPLOYEE FOOD SERVICE AND EQUIPMENT							37468

Notwithstanding section 125.14 of the Revised Code, the 37469
foregoing appropriation item 470-609, Employee Food Service, may 37470
be used to purchase any food operational items with funds received 37471
into the fund from reimbursement for state surplus property. 37472

PARTNERSHIPS FOR SUCCESS 37473

~~In fiscal year 2006, the~~ The foregoing appropriation item 37474
470-628, Partnerships for Success, shall be used to support the 37475
Partnerships for Success Project. On or before January 1, ~~2007~~ 37476
2008, the Director of Budget and Management shall transfer any 37477
amount of cash that remains unspent in the Partnerships for 37478
Success Fund (Fund 5BH) to the Children's Trust Fund (Fund 198). 37479

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 37480
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 37481

Any business relating to the funds associated with the Office 37482
of Criminal Justice Services' appropriation item 196-602, Criminal 37483
Justice Federal Programs, commenced but not completed by the 37484
Office of Criminal Justice Services or its director shall be 37485
completed by the Department of Youth Services or its director in 37486
the same manner, and with the same effect, as if completed by the 37487
Office of Criminal Justice Services or its director. No 37488
validation, cure, right, privilege, remedy, obligation, or 37489
liability is lost or impaired by reason of the transfer and shall 37490
be administered by the Department of Youth Services. 37491

Any action or proceeding against the Office of Criminal 37492
Justice Services pending on the effective date of this section 37493
shall not be affected by the transfer of responsibility to the 37494
Department of Youth Services, and shall be prosecuted or defended 37495
in the name of the Department of Youth Services or its director. 37496
In all such actions and proceedings, the Department of Youth 37497
Services or its director upon application of the court shall be 37498
substituted as party. 37499

Sec. 315.03. CONSOLIDATION OF REGULATORY BOARDS	37500
(A) It is the intent of the General Assembly to consolidate the following health-related regulatory boards within the Department of Health <u>Commerce</u> not later than July 1, 2006 <u>2007</u> :	37501 37502 37503
(1) The Chemical Dependency Professionals Board;	37504
(2) The Board of Chiropractic Examiners <u>State Chiropractic Board</u> ;	37505 37506
(3) The Counselor, Social Worker, and Marriage and Family Therapist Board;	37507 37508
(4) The Ohio Board of Dietetics;	37509
(5) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board;	37510 37511
(6) The Ohio Optical Dispensers Board;	37512
(7) The State Board of Optometry;	37513
(8) The State Board of Orthotics, Prosthetics, and Pedorthics;	37514 37515
(9) The State Board of Psychology;	37516
(10) The Ohio Respiratory Care Board;	37517
(11) The Board of Speech-Language Pathology and Audiology;	37518
(12) The State Veterinary Medical Licensing Board- i ;	37519
(B) It is the intent of the General Assembly to consolidate the following regulatory boards and commissions within the Department of Commerce not later than July 1, 2006:	37520 37521 37522
(1) <u>(13)</u> The Ohio Athletic Commission;	37523
(2) <u>(14)</u> The Barber Board;	37524
(3) <u>(15)</u> The State Board of Cosmetology;	37525
(4) <u>(16)</u> The Board of Embalmers and Funeral Directors;	37526

~~(5)(17)~~ The Manufactured Homes Commission; 37527

~~(6)(18)~~ The Board of Motor Vehicle Collision Repair 37528
Registration; 37529

~~(7)(19)~~ The State Board of Sanitarian Registration; 37530

(20) The Ohio Medical Transportation Board. 37531

~~(C) It is the intent of the General Assembly to consolidate 37532
the Ohio Medical Transportation Board within the Department of 37533
Public Safety not later than July 1, 2006.~~ 37534

~~(D)(B)~~ The Director of Budget and Management and the 37535
Directors of Administrative Services, Commerce, Health, and Public 37536
Safety shall appoint representatives to a transition team. In 37537
addition, the transition team shall include a total of three 37538
members representing the affected regulatory boards, to be 37539
selected by the executive directors of those boards. 37540

The transition team shall develop a plan to ensure the smooth 37541
and timely consolidation of the boards into the ~~respective~~ 37542
~~departments~~ Department of Commerce. The transition team shall 37543
address the details of the consolidations, identifying necessary 37544
statutory changes and working with the Office of Budget and 37545
Management to develop budgets for the ~~respective departments~~ 37546
department and the consolidated boards and commissions. The 37547
transition team may recommend additional regulatory boards or 37548
commissions to be consolidated and may recommend modifications to 37549
the planned consolidations. 37550

The transition team shall submit a report containing 37551
recommendations and the details for the consolidations not later 37552
than December 31, ~~2005~~ 2006, to the Governor, the Speaker of the 37553
House of Representatives, and the President of the Senate. The 37554
report and recommendations shall address the following issues, and 37555
may address additional issues: 37556

(1) The necessary levels of funding;	37557
(2) The savings projected as a result of the consolidations;	37558
(3) The consolidation of activities between each board or commission and the department <u>Department of Commerce</u> providing centralized services, including the role of the members of the board or commission and the role of the department;	37559 37560 37561 37562
(4) The staffing levels needed, whether employees must be retained, and whether any employees retained have civil service status;	37563 37564 37565
(5) The continuation of the standards and procedures of the board or commission;	37566 37567
(6) The continuation of rules and whether any rules need to be amended as a result of the consolidations;	37568 37569
(7) The transfer of assets, liabilities, and contractual obligations;	37570 37571
(8) The transfer of records and other materials pertaining to the board or commission.	37572 37573
(E) It is the intent of the General Assembly to introduce a bill in fiscal year 2006 that will include the necessary statutory changes to effect the consolidations and that will include revised appropriations for the departments and the consolidated boards and commissions for fiscal year 2007.	37574 37575 37576 37577 37578
Section 606.18. That existing Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 206.16, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06,	37579 37580 37581 37582 37583 37584 37585

209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 37586
209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 37587
209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, and 315.03 of 37588
Am. Sub. H.B. 66 of the 126th General Assembly are hereby 37589
repealed. 37590

Section 606.18.03. COMPENSATION FOR NURSING FACILITY CAPITAL 37591
COSTS 37592

The appropriation item 600-529, Capital Compensation Program, 37593
shall be used to make payments to nursing facilities under Section 37594
606.18.06 of this act. 37595

Section 606.18.06. PAYMENT TO NURSING FACILITIES FOR FISCAL 37596
YEAR 2006 UNCOMPENSATED CAPITAL COSTS 37597

(A) As used in this section: 37598

(1) "Capital project" means any of the following: 37599

(a) A newly constructed nursing facility; 37600

(b) An addition to an existing nursing facility; 37601

(c) A nonextensive renovation of a nursing facility; 37602

(d) An extensive renovation of a nursing facility. 37603

(2) "Extensive renovation" and "renovation" have the same 37604
meanings as in section 5111.20 of the Revised Code as that section 37605
existed on June 30, 2005. 37606

(3) "Inpatient days," "Medicaid days," and "nursing facility" 37607
have the same meanings as in section 5111.20 of the Revised Code. 37608

(4) "Licensed bed days" means a nursing facility's licensed 37609
bed capacity times the number of days during the period for which 37610
licensed bed days is determined. 37611

(5) "New capital project" means a capital project to which 37612

both of the following apply: 37613

(a) One of the following occurred before June 15, 2005: 37614

(i) An application for a certificate of need for the capital project was filed with the Director of Health; 37615
37616

(ii) The Director of Health determined that the capital project is not a reviewable activity; 37617
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(iii) The Director of Job and Family Services approved the capital project as a nonextensive renovation. 37619
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(b) At least one of the following occurred before June 15, 2005: 37621
37622

(i) The materials for the capital project were delivered; 37623

(ii) The preparation for the physical site of the capital project began; 37624
37625

(iii) The actual construction of the capital project began. 37626

(6) "Nonextensive renovation" means a renovation of a nursing facility that is not an extensive renovation and would have qualified for a payment under division (F) of section 5111.25 of the Revised Code, as that section existed on June 30, 2005, if not for Am. Sub. H.B. 66 of the 126th General Assembly. 37627
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(7) "Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services. 37632
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(8) "Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code. 37636
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(B) A nursing facility that began using a new capital project to provide nursing facility services before July 1, 2006, may apply to the Director of Job and Family Services for a payment calculated under division (C) of this section if no adjustment to 37638
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the nursing facility's Medicaid reimbursement rate has been made 37642
for the new capital project. The application shall be made in a 37643
format the Director shall specify. The Director shall award the 37644
nursing facility the payment if the nursing facility submits the 37645
completed application and all of the following information and 37646
documentation to the Director not later than September 30, 2006: 37647

(1) A complete description of the new capital project; 37648

(2) The date the nursing facility began to use the new 37649
capital project to provide nursing facility services and 37650
documentation that proves all of the following: 37651

(a) That one of the following occurred before June 15, 2005: 37652

(i) The application for a certificate of need for the new 37653
capital project was filed with the Director of Health; 37654

(ii) The Director of Health determined that the new capital 37655
project is not a reviewable activity; 37656

(iii) The Director of Job and Family Services approved the 37657
new capital project as a nonextensive renovation. 37658

(b) That at least one of the following occurred before June 37659
15, 2005: 37660

(i) The materials for the new capital project were delivered; 37661

(ii) The preparation for the physical site of the new capital 37662
project began; 37663

(iii) The actual construction of the new capital project 37664
began. 37665

(c) That the nursing facility began to use the new capital 37666
project to provide nursing facility services before July 1, 2006. 37667

(3) The number of the nursing facility's licensed bed days, 37668
inpatient days, and Medicaid days for the period beginning on the 37669
date the nursing facility began to use the new capital project to 37670

provide nursing facility services and ending June 30, 2006; 37671

(4) The total interest, depreciation, and lease expenses the 37672
nursing facility incurred during the period beginning on the date 37673
the nursing facility began to use the new capital project to 37674
provide nursing facility services and ending June 30, 2006, as 37675
shown by all of the following: 37676

(a) Amortization schedules for the interest; 37677

(b) Fixed asset schedules for the depreciation; 37678

(c) Any other documentation the Director requires. 37679

(5) An affirmation by an officer of the nursing facility who 37680
has authority to legally bind the nursing facility that no 37681
adjustment to the nursing facility's Medicaid reimbursement rate 37682
has been made for the new capital project; 37683

(6) A sworn and notarized statement by an officer of the 37684
nursing facility who has the authority to legally bind the nursing 37685
facility attesting that all statements made in the application and 37686
accompanying information and documentation are true and accurate. 37687

(C) The payment the Director of Job and Family Services 37688
awards to a nursing facility under division (B) of this section 37689
shall be calculated as follows: 37690

(1) Divide the nursing facility's interest, depreciation, and 37691
lease expenses reported under division (B)(4) of this section by 37692
the greater of the following: 37693

(a) The number of the nursing facility's inpatient days as 37694
reported under division (B)(3) of this section; 37695

(b) Ninety-five per cent of the nursing facility's licensed 37696
bed days as reported under division (B)(3) of this section. 37697

(2) Subtract the sum of the following from the quotient 37698
determined under division (C)(1) of this section: 37699

(a) The nursing facility's total capital per diem for nursing facility services provided on June 30, 2005; 37700
37701

(b) Any capital rate add-ons added to the per diem specified in division (C)(2)(a) of this section. 37702
37703

(3) Multiply the difference determined under division (C)(2) of this section by the number of the nursing facility's Medicaid days as reported under division (B)(3) of this section; 37704
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37706

(4) Add the product determined under division (C)(3) of this section to the total product so determined for all other nursing facilities that are awarded a payment under division (B) of this section; 37707
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37709
37710

(5) Divide ten million dollars by the sum determined under division (C)(4) of this section; 37711
37712

(6) Multiply the product determined under division (C)(3) of this section by the lesser of the following: 37713
37714

(a) The quotient determined under division (C)(5) of this section; 37715
37716

(b) One. 37717

(D) Not later than October 31, 2006, the Director of Job and Family Services shall mail to each nursing facility that is awarded a payment under division (B) of this section notice that the nursing facility has been awarded the payment and the amount of the payment. 37718
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Whether a nursing facility is to be awarded a payment and the amount of the payment is not appealable under Chapter 119. of the Revised Code, but a nursing facility that disputes the amount of the payment may request a review of the amount by submitting a written request for the review to the Director not later than November 15, 2006. The nursing facility must include in the request the reasons the nursing facility disputes the amount of 37723
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the payment and the basis for each reason. The Director shall
respond to the request not later than December 15, 2006. If the
Director modifies the amount of the payment, the Director shall
recalculate each nursing facility's payment as necessary to ensure
that each nursing facility's payment is consistent with the
calculations made under divisions (C)(5) and (6) of this section.

The Director shall make the final determination of the amount
of each nursing facility's payment and distribute the payments to
the nursing facilities not later than January 15, 2007.

(E) The Director of Job and Family Services may adopt rules
in accordance with Chapter 119. of the Revised Code as necessary
to implement this section.

Section 606.18.09. PAYMENT TO NURSING FACILITIES FOR FISCAL
YEAR 2007 UNCOMPENSATED CAPITAL COSTS

(A) As used in this section:

(1) "Capital project" means any of the following:

(a) A newly constructed nursing facility;

(b) An addition to an existing nursing facility;

(c) A nonextensive renovation of a nursing facility;

(d) An extensive renovation of a nursing facility.

(2) "Extensive renovation" and "renovation" have the same
meanings as in section 5111.20 of the Revised Code as that section
existed on June 30, 2005.

(3) "Inpatient days," "Medicaid days," and "nursing facility"
have the same meanings as in section 5111.20 of the Revised Code.

(4) "Licensed bed days" means a nursing facility's licensed
bed capacity times the number of days during the period for which
licensed bed days is determined.

(5) "New capital project" means a capital project to which	37758
both of the following apply:	37759
(a) One of the following occurred before June 15, 2005:	37760
(i) An application for a certificate of need for the capital	37761
project was filed with the Director of Health;	37762
(ii) The Director of Health determined that the capital	37763
project is not a reviewable activity;	37764
(iii) The Director of Job and Family Services approved the	37765
capital project as a nonextensive renovation.	37766
(b) At least one of the following occurred before June 15,	37767
2005:	37768
(i) The materials for the capital project were delivered;	37769
(ii) The preparation for the physical site of the capital	37770
project began;	37771
(iii) The actual construction of the capital project began.	37772
(6) "Nonextensive renovation" means a renovation of a nursing	37773
facility that is not an extensive renovation and would have	37774
qualified for a payment under division (F) of section 5111.25 of	37775
the Revised Code, as that section existed on June 30, 2005, if not	37776
for Am. Sub. H.B. 66 of the 126th General Assembly.	37777
(7) "Nursing facility services" means nursing facility	37778
services covered by the Medicaid program that a nursing facility	37779
provides to a resident of the nursing facility who is a Medicaid	37780
recipient eligible for Medicaid-covered nursing facility services.	37781
(8) "Reviewable activity" has the same meaning as in section	37782
3702.51 of the Revised Code.	37783
(B) A nursing facility that began using a new capital project	37784
to provide nursing facility services before July 1, 2007, may	37785
apply to the Director of Job and Family Services for a payment	37786

calculated under division (C) of this section if no adjustment to 37787
the nursing facility's Medicaid reimbursement rate has been made 37788
for the new capital project and any money remains in the 37789
appropriation item GRF 600-529, Capital Compensation Program, 37790
after all payments from that appropriation item are made under 37791
Section 606.18.06 of this act. A payment made to a nursing 37792
facility under Section 606.18.06 of this act shall not be 37793
considered to be an adjustment to the nursing facility's Medicaid 37794
reimbursement rate. The application shall be made in a format the 37795
Director shall specify. The Director shall award the nursing 37796
facility the payment if the nursing facility submits the completed 37797
application and all of the following information and documentation 37798
to the Director not later than September 30, 2007: 37799

(1) A complete description of the new capital project; 37800

(2) The date the nursing facility began to use the new 37801
capital project to provide nursing facility services and 37802
documentation that proves all of the following: 37803

(a) That one of the following occurred before June 15, 2005: 37804

(i) The application for a certificate of need for the new 37805
capital project was filed with the Director of Health; 37806

(ii) The Director of Health determined that the new capital 37807
project is not a reviewable activity; 37808

(iii) The Director of Job and Family Services approved the 37809
new capital project as a nonextensive renovation. 37810

(b) That at least one of the following occurred before June 37811
15, 2005: 37812

(i) The materials for the capital project were delivered; 37813

(ii) The preparation for the physical site of the capital 37814
project began; 37815

(iii) The actual construction of the capital project began. 37816

(c) That the nursing facility began to use the new capital project to provide nursing facility services before July 1, 2007.	37817 37818
(3) The number of the nursing facility's licensed bed days, inpatient days, and Medicaid days for the period beginning on the later of July 1, 2006, or the date the nursing facility began to use the new capital project to provide nursing facility services and ending June 30, 2007;	37819 37820 37821 37822 37823
(4) The total interest, depreciation, and lease expenses the nursing facility incurred during the period beginning on the later of July 1, 2006, or the date the nursing facility began to use the new capital project to provide nursing facility services and ending June 30, 2007, as shown by all of the following:	37824 37825 37826 37827 37828
(a) Amortization schedules for the interest;	37829
(b) Fixed asset schedules for the depreciation;	37830
(c) Any other documentation the Director requires.	37831
(5) An affirmation by an officer of the nursing facility who has authority to legally bind the nursing facility that no adjustment to the nursing facility's Medicaid reimbursement rate has been made for the new capital project;	37832 37833 37834 37835
(6) A sworn and notarized statement by an officer of the nursing facility who has the authority to legally bind the nursing facility attesting that all statements made in the application and accompanying information and documentation are true and accurate.	37836 37837 37838 37839
(C) The payment the Director of Job and Family Services awards to a nursing facility under division (B) of this section shall be calculated as follows:	37840 37841 37842
(1) Divide the nursing facility's interest, depreciation, and lease expenses reported under division (B)(4) of this section by the greater of the following:	37843 37844 37845
(a) The number of the nursing facility's inpatient days as	37846

reported under division (B)(3) of this section; 37847

(b) Ninety-five per cent of the nursing facility's licensed 37848
bed days as reported under division (B)(3) of this section. 37849

(2) Subtract the sum of the following from the quotient 37850
determined under division (C)(1) of this section: 37851

(a) The nursing facility's total capital per diem for nursing 37852
facility services provided on June 30, 2005; 37853

(b) Any capital rate add-ons added to the per diem specified 37854
in division (C)(2)(a) of this section. 37855

(3) Multiply the difference determined under division (C)(2) 37856
of this section by the number of the nursing facility's Medicaid 37857
days as reported under division (B)(3) of this section; 37858

(4) Add the product determined under division (C)(3) of this 37859
section to the total product so determined for all other nursing 37860
facilities that are awarded a payment under division (B) of this 37861
section; 37862

(5) Divide the amount of money in the appropriation item GRF 37863
600-529, Capital Compensation Program, that remains after all 37864
payments from that appropriation item are made under Section 37865
606.18.06 of this act by the sum determined under division (C)(4) 37866
of this section; 37867

(6) Multiply the product determined under division (C)(3) of 37868
this section by the lesser of the following: 37869

(a) The quotient determined under division (C)(5) of this 37870
section; 37871

(b) One. 37872

(D) Not later than October 31, 2007, the Director of Job and 37873
Family Services shall mail to each nursing facility that is 37874
awarded a payment under division (B) of this section notice that 37875

the nursing facility has been awarded the payment and the amount 37876
of the payment. 37877

Whether a nursing facility is to be awarded a payment and the 37878
amount of the payment is not appealable under Chapter 119. of the 37879
Revised Code, but a nursing facility that disputes the amount of 37880
the payment may request a review of the amount by submitting a 37881
written request for the review to the Director not later than 37882
November 15, 2007. The nursing facility must include in the 37883
request the reasons the nursing facility disputes the amount of 37884
the payment and the basis for each reason. The Director shall 37885
respond to the request not later than December 15, 2007. If the 37886
Director modifies the amount of the payment, the Director shall 37887
recalculate each nursing facility's payment as necessary to ensure 37888
that each nursing facility's payment is consistent with the 37889
calculations made under divisions (C)(5) and (6) of this section. 37890

The Director shall make the final determination of the amount 37891
of each nursing facility's payment and distribute the payments to 37892
the nursing facilities not later than January 15, 2008. 37893

(E) The Director of Job and Family Services may adopt rules 37894
in accordance with Chapter 119. of the Revised Code as necessary 37895
to implement this section. 37896

Section 606.23. That Sections 19.01, 20.01, 23.12, and 23.45 37897
of Am. Sub. H.B. 16 of the 126th General Assembly, as amended by 37898
Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read 37899
as follows: 37900

Sec. 19.01. All items set forth in this section are hereby 37901
appropriated out of any moneys in the state treasury to the credit 37902
of the Cultural and Sports Facilities Building Fund (Fund 030) 37903
that are not otherwise appropriated. 37904

AFC CULTURAL FACILITIES COMMISSION			37905
CAP-010	Sandusky State Theatre Improvements	\$ 325,000	37906
CAP-013	Stambaugh Hall Improvements	\$ 250,000	37907
CAP-033	Woodward Opera House Renovation	\$ 100,000	37908
CAP-038	Center Exhibit Replacement	\$ 816,000	37909
CAP-043	Statewide Site Repairs	\$ 100,000	37910
CAP-044	National Underground Railroad Freedom Center	\$ 4,150,000	37911
CAP-046	Cincinnati Museum Center Improvements	\$ 250,000	37912
CAP-052	Akron Art Museum	\$ 1,012,500	37913
CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$ 250,000	37914
CAP-065	Beck Center for the Cultural Arts	\$ 100,000	37915
CAP-069	Cleveland Institute of Art	\$ 250,000	37916
CAP-071	Cleveland Institute of Music	\$ 750,000	37917
CAP-073	Marina District/Ice Arena Development	\$ 3,500,000	37918
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$ 750,000	37919
CAP-745	Emergency Repairs	\$ 838,560	37920
CAP-769	Rankin House State Memorial	\$ 192,000	37921
CAP-781	Archives and Library Automation	\$ 624,000	37922
CAP-784	Center Rehabilitation	\$ 960,000	37923
CAP-806	Grant Boyhood Home Improvements	\$ 480,000	37924
CAP-812	Schuster Arts Center	\$ 5,500,000	37925
CAP-823	Marion Palace Theatre	\$ 750,000	37926
CAP-826	Renaissance Theatre	\$ 750,000	37927
CAP-834	Galion Historic Big Four Depot Restoration	\$ 170,000	37928
CAP-835	Jamestown Opera House	\$ 125,000	37929
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$ 1,850,000	37930
CAP-845	Lima Historic Athletic Field	\$ 100,000	37931
CAP-846	Butler Palace Theatre	\$ 200,000	37932

CAP-847	Voice of America Museum	\$	275,000	37933
CAP-848	Oxford Arts Center ADA Project	\$	72,000	37934
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	37935
CAP-850	Westcott House Historic Site	\$	75,000	37936
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	37937
CAP-852	Miami Township Community Amphitheatre	\$	50,000	37938
CAP-853	Western Reserve Historical Society	\$	1,000,000	37939
CAP-854	Steamship Mather Museum	\$	100,000	37940
CAP-855	Rock and Roll Hall of Fame	\$	250,000	37941
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	37942
CAP-857	Merrick House Historic Site	\$	250,000	37943
CAP-858	Strongsville Historic Building	\$	100,000	37944
CAP-859	Arts Castle	\$	100,000	37945
CAP-860	Great Lakes Historical Society	\$	325,000	37946
CAP-861	Ohio Glass Museum	\$	250,000	37947
CAP-862	Goll Wood Homestead	\$	50,000	37948
CAP-863	Ariel Theatre	\$	100,000	37949
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	37950
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	37951
CAP-867	Ensemble Theatre	\$	450,000	37952
CAP-868	Taft Museum	\$	500,000	37953
CAP-869	Art Academy of Cincinnati	\$	100,000	37954
CAP-870	Riverbend Pavilion Improvements	\$	250,000	37955
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	37956
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	37957
CAP-873	John Bloomfield Home Restoration	\$	115,000	37958
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	37959
CAP-875	Hocking County Historical Society -	\$	10,000	37960

	Schempp House			
CAP-876	Art Deco Markay Theater	\$	200,000	37961
CAP-877	Harvey Wells House	\$	100,000	37962
CAP-878	Bryn Du	\$	250,000	37963
CAP-879	Broad Street Historical Renovation	\$	300,000	37964
CAP-880	Amherst Historical Society	\$	35,000	37965
CAP-881	COSI - Toledo	\$	1,900,000	37966
CAP-882	Ohio Theatre - Toledo	\$	100,000	37967
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	37968
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	37969
CAP-885	Montgomery County Historical Society	\$	100,000	37970
	Archives			
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	37971
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	37972
CAP-888	Preble County Historical Society	\$	100,000	37973
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	37974
CAP-890	Pro Football Hall of Fame	\$	400,000	37975
CAP-891	MAPS Air Museum	\$	15,000	37976
CAP-892	Foundation Community Theatre	\$	50,000	37977
CAP-893	William McKinley Library Restoration	\$	250,000	37978
CAP-894	Hale Farm & Village	\$	250,000	37979
CAP-896	Richard Howe House	\$	100,000	37980
CAP-897	Ward-Thomas Museum	\$	30,000	37981
CAP-898	Packard Music Hall Renovation Project	\$	100,000	37982
			<u>1,075,000</u>	
CAP-899	Holland Theatre	\$	100,000	37983
CAP-900	Van Wert Historical Society	\$	32,000	37984
CAP-901	Warren County Historical Society	\$	225,000	37985
CAP-902	Marietta Colony Theatre	\$	335,000	37986
CAP-903	West Salem Village Opera House	\$	92,000	37987
CAP-904	Beavercreek Community Theater	\$	100,000	37988
CAP-905	Smith Orr Homestead	\$	100,000	37989
	Total Cultural Facilities Commission	\$	41,165,060	37990

		<u>41,340,060</u>	
TOTAL Cultural and Sports Facilities Building Fund	\$	41,165,060	37991
		<u>41,340,060</u>	

Sec. 20.01. All items set forth in this section are hereby 37993
appropriated out of any moneys in the state treasury to the credit 37994
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 37995
not otherwise appropriated. 37996

Appropriations

			37997
DNR DEPARTMENT OF NATURAL RESOURCES			37997
			37998
STATEWIDE AND LOCAL PROJECTS			37998
CAP-012	Land Acquisition	\$ 750,000	37999
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$ 25,000	38000
CAP-060	East Fork State Park Renovation	\$ 50,000	38001
CAP-068	Kennedy Stone House	\$ 15,000	38002
CAP-080	Atwood Lake Conservancy District	\$ 75,000	38003
CAP-083	John Bryan State Park Shelter Construction	\$ 30,000	38004
CAP-084	Findley State Park General Improvements	\$ 12,500	38005
CAP-086	Scippo Creek Conservation	\$ 75,000	38006
CAP-087	Belpre City Swimming Pool	\$ 125,000	38007
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$ 25,000	38008
CAP-748	Local Parks Projects - Statewide	\$ 2,511,079	38009
		<u>2,561,079</u>	38010
CAP-753	Project Planning	\$ 1,144,316	38011
CAP-881	Dam Rehabilitation	\$ 5,000,000	38012
CAP-931	Wastewater/Water Systems Upgrades	\$ 2,900,000	38013
Total Statewide and Local Projects		\$ 12,737,895	38014
		<u>12,787,895</u>	
Total Department of Natural Resources		\$ 12,737,895	38015
		<u>12,787,895</u>	38016

TOTAL Ohio Parks and Natural Resources Fund	\$	12,737,895	38017
		<u>12,787,895</u>	38018
<u>GOLL WOOD HOMESTEAD</u>			38019
<u>Of the foregoing appropriation item CAP-748, Local Parks</u>			38020
<u>Projects - Statewide, \$50,000 shall be used for the Goll Wood</u>			38021
<u>Homestead.</u>			38022

Appropriations

Sec. 23.12. CLS CLEVELAND STATE UNIVERSITY			38023
CAP-023 Basic Renovations	\$	3,267,875	38024
<u>CAP-084 Neighborhood Centers Renovations</u>	\$	<u>500,000</u>	38025
CAP-125 College of Education Building	\$	8,057,262	38026
<u>CAP-148 Cleveland Institute of Art</u>	\$	<u>1,000,000</u>	38027
CAP-152 Rhodes Tower-Data Center Relocation	\$	1,000,000	38028
CAP-153 University Annex-Vacation and Demolition	\$	49,390	38029
CAP-154 Main Classroom Stair Tower & Entry	\$	1,500,000	38030
CAP-155 Cleveland Playhouse	\$	250,000	38031
CAP-156 Physical Education Building	\$	1,000,000	38032
Rehabilitation			
Total Cleveland State University	\$	15,124,527	38033
		<u>16,624,527</u>	

NEIGHBORHOOD CENTERS RENOVATIONS 38034

<u>Of the foregoing appropriation item CAP-084, Neighborhood</u>			38035
<u>Centers Renovations, \$250,000 shall be used for renovations to the</u>			38036
<u>Friendly Inn Settlement House and \$250,000 shall be used for</u>			38037
<u>renovations to the Merrick House.</u>			38038

Sec. 23.45. STC STARK TECHNICAL COLLEGE 38039

CAP-004 Basic Renovations	\$	438,295	38040
CAP-035 Business Technologies Addition	\$	1,378,892	38041
Rehabilitation			
CAP-037 Fuel Cell Initiative	\$	250,000	38042

Total Stark Technical College	\$	2,067,187	38043
Total Board of Regents and State Institutions of Higher Education	\$	490,956,498 <u>492,456,498</u>	38044 38045
TOTAL Higher Education Improvement Fund	\$	492,883,536 <u>492,456,498</u>	38046

Section 606.24. That existing Sections 19.01, 20.01, 23.12, 38048
and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as 38049
amended by Am. Sub. H.B. 66 of the 126th General Assembly, are 38050
hereby repealed. 38051

Section 606.29. That Sections 203.06.06 and 203.06.24 of Am. 38052
Sub. H.B. 68 of the 126th General Assembly, as amended by Am. Sub. 38053
H.B. 66 of the 126th General Assembly, be amended to read as 38054
follows: 38055

Sec. 203.06.06. ENFORCEMENT 38056

State Highway Safety Fund Group				38057
036 764-033 Minor Capital Projects	\$	1,250,000	\$ 1,250,000	38058
036 764-321 Operating Expense - Highway Patrol	\$	229,293,561	\$ 237,364,988	38059
036 764-605 Motor Carrier Enforcement Expenses	\$	2,643,022	\$ 2,670,911	38060
5AY 764-688 Traffic Safety Operating	\$	3,082,962	\$ 1,999,437	38061
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	38062
83F 764-657 Law Enforcement Automated Data System	\$	7,324,524	\$ 7,544,260	38063
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	38064
<u>83J 764-693 Highway Patrol Justice</u> <u>Contraband</u>	\$	<u>2,100,000</u>	\$ <u>2,100,000</u>	38065

83T 764-694	Highway Patrol	\$	21,000	\$	21,000	38066
	Treasury Contraband					
831 764-610	Patrol - Federal	\$	2,430,950	\$	2,455,484	38067
831 764-659	Transportation	\$	4,880,671	\$	5,027,091	38068
	Enforcement - Federal					
837 764-602	Turnpike Policing	\$	9,942,621	\$	10,240,900	38069
838 764-606	Patrol Reimbursement	\$	222,108	\$	222,108	38070
840 764-607	State Fair Security	\$	1,496,283	\$	1,496,283	38071
840 764-617	Security and	\$	8,145,192	\$	8,145,192	38072
	Investigations					
840 764-626	State Fairgrounds	\$	788,375	\$	788,375	38073
	Police Force					
841 764-603	Salvage and Exchange -	\$	1,305,954	\$	1,339,399	38074
	Highway Patrol					
TOTAL HSF State Highway Safety						38075
Fund Group		\$	274,250,044	\$	281,988,249	38076
			<u>276,371,044</u>		<u>284,109,249</u>	
General Services Fund Group						38077
4S2 764-660	MARCS Maintenance	\$	252,432	\$	262,186	38078
TOTAL GSF General Services						38079
Fund Group		\$	252,432	\$	262,186	38080
Federal Special Revenue Fund Group						38081
3BF 764-692	Federal Contraband,	\$	1,942,040	\$	1,942,040	38082
	Forfeiture, and Other					
TOTAL FED Federal Special Revenue		\$	1,942,040	\$	1,942,040	38083
Fund Group						
TOTAL ALL BUDGET FUND GROUPS -						38084
Enforcement		\$	276,444,516	\$	284,192,475	38085
			<u>276,623,476</u>		<u>284,371,435</u>	
CASH TRANSFER TO HIGHWAY PATROL FEDERAL CONTRABAND,						38086
FORFEITURE, AND OTHER FUND (FUND 3BF)						38087
On July 1, 2005, or as soon thereafter as possible,						38088

notwithstanding any other provision of law to the contrary, the 38089
Director of Budget and Management shall transfer \$1,942,040 in 38090
cash from the Highway Patrol State Contraband, Forfeiture, and 38091
Other Fund (Fund 83C) in the State Highway Safety Fund Group to 38092
the Highway Patrol Federal Contraband, Forfeiture, and Other Fund 38093
(Fund 3BF) in the Federal Special Revenue Fund Group. 38094

CASH TRANSFERS FROM THE HIGHWAY PATROL FEDERAL CONTRABAND, 38095
FORFEITURE, AND OTHER FUND (FUND 3BF) 38096

On the effective date of this section, or as soon as 38097
practicable thereafter, the Director of Public Safety and the 38098
Director of Budget and Management shall do all of the following: 38099

(A) The Director of Public Safety shall certify to the 38100
Director of Budget and Management the amount of the cash balance 38101
credited to the Highway Patrol Federal Contraband, Forfeiture, and 38102
Other Fund (Fund 3BF) that consists of proceeds received by the 38103
State Highway Patrol from the United States Department of Justice 38104
pursuant to federal law from a sale of forfeited contraband, 38105
proceeds from another disposition of forfeited contraband, or 38106
forfeited contraband moneys, and any related investment or other 38107
earnings, and the Director of Budget and Management shall transfer 38108
that certified amount in cash to the credit of the Highway Patrol 38109
Justice Contraband Fund (Fund 83J); 38110

(B) The Director of Public Safety shall certify to the 38111
Director of Budget and Management the amount of the cash balance 38112
credited to the Highway Patrol Federal Contraband, Forfeiture, and 38113
Other Fund (Fund 3BF) that consists of proceeds received by the 38114
State Highway Patrol from the United States Department of Treasury 38115
pursuant to federal law from a sale of forfeited contraband, 38116
proceeds from another disposition of forfeited contraband, or 38117
forfeited contraband moneys, and any related investment or other 38118
earnings, and the Director of Budget and Management shall transfer 38119

that certified amount in cash to the credit of the Highway Patrol Treasury Contraband Fund (Fund 83T). 38120
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Upon completion of the cash transfers specified in divisions (A) and (B) of this section, the Highway Patrol Federal Contraband, Forfeiture, and Other Fund is abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 764-692, Federal Contraband, Forfeiture, and Other, and re-establish them against appropriation items 764-693, Highway Patrol Justice Contraband, and 764-694, Highway Patrol Treasury Contraband, as appropriate, for the same purpose and to the same vendor. As determined by the Director, the appropriation authority necessary to re-establish those encumbrances is hereby authorized. 38122
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COLLECTIVE BARGAINING INCREASES 38133

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. 38134
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Sec. 203.06.24. REVENUE DISTRIBUTION 38145

Holding Account Redistribution Fund Group 38146

R24 762-619 Unidentified Public \$ 1,885,000 \$ 1,885,000 38147

Safety Receipts

R52 762-623 Security Deposits \$ 250,000 \$ 250,000 38148

TOTAL 090 Holding Account				38149
Redistribution Fund Group	\$	2,135,000	\$ 2,135,000	38150
TOTAL ALL BUDGET FUND GROUPS -				38151
Revenue Distribution	\$	2,135,000	\$ 2,135,000	38152
TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE				38153
REFUND FUND				38154
On July 1, 2005, or as soon as possible thereafter, the				38155
Director of Budget and Management shall transfer the cash balance				38156
in the Highway Patrol Fee Refund Fund (Fund R27) created in former				38157
section 4501.12 of the Revised Code to the Unidentified Public				38158
Safety Receipts Fund (Fund R24).				38159
TOTAL Department of Public Safety				38160
TOTAL HSF State Highway Safety				38161
Fund Group	\$	459,009,425	\$ 464,841,856	38162
		<u>461,130,425</u>	<u>466,962,856</u>	
TOTAL SSR State Special Revenue				38163
Fund Group	\$	3,634,144	\$ 3,634,144	38164
TOTAL LCF Liquor Control				38165
Fund Group	\$	10,120,365	\$ 10,423,976	38166
TOTAL GSF General Services				38167
Fund Group	\$	752,432	\$ 762,186	38168
TOTAL FED Federal Special Revenue				38169
Fund Group	\$	168,045,804	\$ 168,056,664	38170
		<u>166,103,764</u>	<u>166,114,624</u>	
TOTAL AGY Agency Fund Group	\$	100,000	\$ 100,000	38171
TOTAL 090 Holding Account				38172
Redistribution				
Fund Group	\$	2,135,000	\$ 2,135,000	38173
TOTAL ALL BUDGET FUND GROUPS	\$	643,797,170	\$ 649,953,826	38174
		<u>643,976,130</u>	<u>650,132,786</u>	

Section 606.30. That existing Sections 203.06.06 and 38176

203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as 38177
 amended by Am. Sub. H.B. 66 of the 126th General Assembly, are 38178
 hereby repealed. 38179

Section 609.05. That Sections 23 and 23.01 of Am. Sub. S.B. 38180
 189 of the 125th General Assembly be amended to read as follows: 38181

Sec. 23. All items set forth in this section are hereby 38182
 appropriated out of any moneys in the state treasury to the credit 38183
 of the Ohio Parks and Natural Resources Fund (Fund 031) that are 38184
 not otherwise appropriated: 38185

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 38186

STATEWIDE AND LOCAL PROJECTS 38187

CAP-012	Land Acquisition	\$	958,039	38188
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294	38189
CAP-703	Cap Abandoned Water Wells	\$	189,482	38190
CAP-748	Local Parks Projects - Statewide	\$	3,406,183	38191
CAP-751	City of Portsmouth Launch Ramp	\$	15,989	38192
CAP-753	Project Planning	\$	118,360	38193
CAP-766	South Fork Licking Watershed Study	\$	600	38194
CAP-768	Grand River Wildlife Area	\$	2,700	38195
CAP-788	Community Recreation Projects	\$	60,000	38196
CAP-799	Village of Nelville Boat Ramp	\$	140,727	38197
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700	38198
CAP-814	North of Rush Run Wildlife Area	\$	200	38199
CAP-834	Appraisal Fees - Statewide	\$	77,265	38200
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	38201
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	38202
CAP-881	Dam Rehabilitation	\$	14,998,701	38203
CAP-900	City of Huron Docks	\$	46,786	38204
CAP-928	Handicapped Accessibility	\$	743,285	38205

CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857	38206
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572	38207
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481	38208
CAP-934	Operations Facilities Development	\$	1,486,438	38209
CAP-963	Fairpoint Harbor Port Authority	\$	103,293	38210
CAP-995	Boundary Protection	\$	32,426	38211
CAP-999	Geographic Information Management System	\$	779,501	38212
Total Statewide and Local Projects		\$	35,513,663	38213
DIVISION OF CIVILIAN CONSERVATION				38214
CAP-750	Quilter CCC Camp	\$	900	38215
CAP-817	Riffe CCC Camp	\$	1,309	38216
CAP-835	Civilian Conservation Facilities	\$	1,847,074	38217
Total Division of Civilian Conservation		\$	1,849,283	38218
DIVISION OF FORESTRY				38219
CAP-021	Mohican State Forest	\$	1,200	38220
CAP-030	Shawnee State Forest	\$	1,300	38221
CAP-073	Brush Creek State Forest	\$	5,850	38222
CAP-146	Zaleski State Forest	\$	200	38223
CAP-213	Shade River State Forest	\$	200	38224
CAP-841	Operations and Maintenance Facility Development and Renovation	\$	1,489,212	38225
CAP-977	Fernwood State Forest	\$	7,181	38226
Total Division of Forestry		\$	1,505,143	38227
DIVISION OF MINERAL RESOURCES MANAGEMENT				38228
CAP-867	Reclamation Facilities Renovation and Development	\$	19,500	38229
Total Division of Mineral Resources Management		\$	19,500	38230
DIVISION OF NATURAL AREAS AND PRESERVES				38231
CAP-006	Little Beaver Creek Nature Preserve	\$	1,500	38232
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$	788,056	38233
CAP-831	Lake Katherine	\$	17,699	38234
CAP-870	Little Miami Scenic River	\$	4,800	38235

Total Division of Natural Areas		\$	812,055	38236
	DIVISION OF PARKS AND RECREATION			38237
CAP-003	Barkcamp State Park	\$	3,025	38238
CAP-005	Cowan Lake State Park	\$	34,684	38239
CAP-010	East Harbor State Park	\$	41,329	38240
CAP-016	Hueston Woods State Park	\$	2,500	38241
CAP-017	Indian Lake State Park	\$	2,319	38242
CAP-018	Kelleys Island State Park	\$	5,700	38243
CAP-019	Lake Hope State Park	\$	500	38244
CAP-025	Punderson Lake State Park	\$	8,997	38245
CAP-026	Pymatuning State Park	\$	2,650	38246
CAP-032	West Branch State Park	\$	6,243	38247
CAP-037	Kiser Lake State Park	\$	10,616	38248
CAP-051	Buck Creek State Park	\$	500	38249
CAP-052	Buckeye Lake State Park	\$	74,746	38250
CAP-060	East Fork State Park	\$	1,709	38251
CAP-064	Geneva State Park	\$	750	38252
CAP-069	Hocking Hills State Park	\$	472	38253
CAP-089	Mosquito Lake State Park	\$	2,789 <u>27,789</u>	38254
CAP-093	Portage Lakes State Park	\$	44,676	38255
CAP-114	Beaver Creek State Park	\$	12,000	38256
CAP-119	Forked Run State Park	\$	5,123	38257
CAP-169	Lake White State Park	\$	3,100	38258
CAP-222	Wolf Run State Park	\$	205,787	38259
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369	38260
CAP-305	Maumee Bay State Park	\$	900	38261
CAP-331	Park Boating Facilities	\$	5,411,873	38262
CAP-390	State Park Maintenance/Facility Development	\$	1,803,182	38263
CAP-718	Grand Lake St. Marys State Park	\$	7,490	38264
CAP-719	Indian Lake State Park	\$	7,610	38265
CAP-758	Muskingum River Parkway Lock #7	\$	1,146	38266

CAP-795	Headlands Beach State Park	\$	25,160	38267
CAP-815	Mary Jane Thurston State Park	\$	4,700	38268
CAP-825	Marblehead Lighthouse State Park	\$	1,233	38269
CAP-829	Sycamore State Park	\$	500	38270
CAP-836	State Park Renovations/Upgrading	\$	3,254,137	38271
CAP-851	Cleveland Lakefront	\$	47,051	38272
CAP-916	Lake Milton State Park	\$	46,509	38273
Total Division of Parks and Recreation		\$	14,513,075	38274
			<u>14,538,075</u>	
DIVISION OF SOIL AND WATER CONSERVATION				38275
CAP-810	New Facilities at Farm Science Review	\$	500	38276
Total Division of Soil and Water Conservation		\$	500	38277
DIVISION OF WATER				38278
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222	38279
CAP-730	Miami and Erie Canal	\$	700	38280
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266	38281
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	38282
CAP-822	Flood Hazard Information Studies	\$	5,518	38283
CAP-848	Hazardous Dam Repair - Statewide	\$	267,000	38284
Total Division of Water		\$	4,858,102	38285
TOTAL Department of Natural Resources		\$	59,071,321	38286
			<u>59,096,321</u>	
TOTAL Ohio Parks and Natural Resources Fund		\$	59,071,321	38287
			<u>59,096,321</u>	

Sec. 23.01. LAND ACQUISITION

38289

Of the foregoing appropriation item CAP-012, Land	38290
Acquisition, \$300,000 shall be used by the City of Mentor to	38291
purchase property for the Mentor Marsh.	38292

<u>MOSQUITO LAKE STATE PARK</u>	38293
<u>The amount reappropriated for the foregoing appropriation</u>	38294
<u>item CAP-089, Mosquito Lake State Park, is the unencumbered and</u>	38295
<u>unallotted balance as of June 30, 2004, in appropriation item</u>	38296
<u>CAP-089, Mosquito Lake State Park, plus \$25,000. Of the foregoing</u>	38297
<u>appropriation item CAP-089, Mosquito Lake State Park, up to</u>	38298
<u>\$25,000 shall be used to conduct a state lodge feasibility study.</u>	38299
 MIAMI AND ERIE CANAL IMPROVEMENTS	38300
 Of the foregoing appropriation item CAP-705, Rehabilitate	38301
Canals, Hydraulic Works, and Support Facilities, at least	38302
\$1,250,000 shall be used for Miami and Erie Canal improvements.	38303
 LOCAL PARKS PROJECTS - STATEWIDE	38304
 The amount reappropriated for the foregoing appropriation	38305
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus	38306
the unencumbered and unallotted balance as of June 30, 2004, in	38307
item CAP-748, Local Parks Projects - Statewide. The \$840,879	38308
represents amounts that were previously appropriated, allocated to	38309
counties pursuant to division (D) of section 1557.06 of the	38310
Revised Code, and encumbered for local project grants. The	38311
encumbrances for these local projects in the various counties	38312
shall be canceled by the Director of Natural Resources or the	38313
Director of Budget and Management. The Director of Natural	38314
Resources shall allocate the \$840,879 to the same counties the	38315
moneys were originally allocated to, in the amount of the canceled	38316
encumbrances.	38317
 DAM REHABILITATION	38318
 Of the foregoing appropriation item CAP-881, Dam	38319
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the	38320
Muskingum River Locks and Dams.	38321
 Section 609.06. That existing Sections 23 and 23.01 of Am.	38322

Sub. S.B. 189 of the 125th General Assembly are hereby repealed. 38323

Section 609.11. That Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read as follows:

Sec. 22. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Cultural and Sports Facilities Building Fund (Fund 030) that are not otherwise appropriated:

Reappropriations

	AFC CULTURAL FACILITIES COMMISSION			38331
CAP-003	Center of Science and Industry - Toledo	\$	12,268	38332
CAP-004	Valentine Theatre	\$	1,111	38333
CAP-005	Center of Science and Industry - Columbus	\$	181,636	38334
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000	38335
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232	38336
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395	38337
CAP-033	Woodward Opera House Renovation	\$	1,050,000	38338
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	38339
CAP-038	Center Exhibit Replacement	\$	750,000	38340
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	38341
CAP-043	Statewide Site Repairs	\$	454,000	38342
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	38343
CAP-052	Akron Art Museum	\$	6,634,666	38344
CAP-053	Powers Auditorium Improvements	\$	200,000	38345
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	38346
CAP-057	Comprehensive Master Plan	\$	180,000	38347
CAP-058	Cedar Bog Nature Preserve Education	\$	766,200	38348

	Center			
CAP-061	Statewide Arts Facilities Planning	\$	35,931	38349
CAP-063	Robins Theatre Renovations	\$	1,000,000	38350
CAP-064	Bramley Historic House	\$	75,000	38351
CAP-066	Delaware County Cultural Arts Center	\$	40,000	38352
CAP-068	Perry County Historical Society	\$	100,000	38353
CAP-069	Cleveland Institute of Art	\$	750,000	38354
CAP-071	Cleveland Institute of Music	\$	750,000	38355
CAP-072	West Side Arts Consortium	\$	138,000	38356
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	38357
CAP-075	McKinley Museum Improvements	\$	125,000	38358
CAP-076	Spring Hill Historic Home	\$	125,000	38359
CAP-077	Western Reserve Ballet Improvements	\$	100,000	38360
CAP-078	Midland Theatre	\$	175,000	38361
CAP-079	Lorain Palace Civic Theatre	\$	200,000	38362
CAP-080	Great Lakes Historical Society	\$	150,000	38363
CAP-734	Hayes Presidential Center	\$	75,000	38364
CAP-745	Historic Sites and Museums	\$	750,000	38365
CAP-753	Buffington Island State Memorial	\$	91,500	38366
CAP-770	Serpent Mound State Memorial	\$	295,000	38367
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	38368
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	38369
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	38370
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	38371
CAP-796	Moundbuilders State Memorial	\$	530,000	38372
CAP-806	Grant Boyhood Home Improvements	\$	68,333	38373
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	38374
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	38375
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	38376
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	38377

CAP-821	Lorain County Historical Society	\$	300,000	38378
CAP-822	Madison County Historic Schoolhouse <u>Armory Youth Center</u>	\$	40,000	38379
CAP-823	Marion Palace Theatre	\$	825,000	38380
CAP-824	McConnellsville Opera House	\$	75,000	38381
CAP-825	Secrest Auditorium	\$	75,000	38382
CAP-826	Renaissance Theatre	\$	50,000	38383
CAP-827	Trumpet in the Land	\$	100,000	38384
CAP-829	Mid Ohio Valley Players	\$	80,000	38385
CAP-830	The Anchorage	\$	50,000	38386
CAP-831	Wayne County Historical Society	\$	300,000	38387
CAP-833	Promont House Museum	\$	200,000	38388
CAP-837	Lake County Historical Society	\$	250,000	38389
CAP-839	Hancock Historical Society	\$	75,000	38390
CAP-840	Riversouth Development	\$	1,000,000	38391
CAP-841	Ft. Piqua Hotel	\$	200,000	38392
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	38393
	Total Cultural Facilities Commission	\$	34,370,114 <u>32,620,114</u>	38394
	TOTAL CULTURAL <u>Cultural</u> and Sports Facilities Building Fund	\$	34,370,114 <u>32,620,114</u>	38395
	COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT			38396
	CONTRACTS			38397
	Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio Cultural Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center of Science and Industry - Columbus, may administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and Industry - Columbus, and the Ohio Cultural Facilities Commission in review of the project plans. The Ohio Cultural Facilities Commission shall enter into a			38398 38399 38400 38401 38402 38403 38404 38405 38406

contract with the Center of Science and Industry - Columbus to 38407
administer the exhibit fabrication and installation contracts and 38408
such contracts are not subject to Chapter 123. or 153. of the 38409
Revised Code. 38410

SPORTS FACILITIES IMPROVEMENTS - AKRON 38411

The amount reappropriated to the Cultural and Sports 38412
Facilities Building Fund (Fund 030), CAP-024, Sports Facilities 38413
Improvements - Akron, is the unallotted and unencumbered balance 38414
in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports 38415
Facilities Improvements - Akron. 38416

REDS HALL OF FAME 38417

The amount reappropriated to the Cultural and Sports 38418
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame, 38419
is the unallotted and unencumbered balance in the Sports 38420
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame. 38421

AKRON ART MUSEUM 38422

The amount reappropriated for the foregoing appropriation 38423
item CAP-052, Akron Art Museum, is the unencumbered and unallotted 38424
balance as of June 30, 2004, in appropriation item CAP-052, Akron 38425
Art Museum, plus \$1,634,666. 38426

ARMORY YOUTH CENTER 38427

For the foregoing appropriation item CAP-822, Armory Youth 38428
Center, the Ohio Cultural Facilities Commission and the Ohio 38429
Historical Society shall enter into an agreement whereby the Ohio 38430
Historical Society shall administer the funds for the project, a 38431
site listed on the National Register of Historic Places. 38432

MID OHIO VALLEY PLAYERS 38433

The amount reappropriated for the foregoing appropriation 38434
item CAP-829, Mid Ohio Valley Players, is the unencumbered and 38435
unallotted balance as of June 30, 2004, in appropriation item 38436

<u>CAP-829, Mid Ohio Valley Players, plus \$30,000.</u>	38437
RIVERSOUTH DEVELOPMENT	38438
The amount reappropriated for the foregoing appropriation	38439
item CAP-840, Riversouth Development, is the unencumbered and	38440
unallotted balance as of June 30, 2004, in appropriation item	38441
CAP-840, Riversouth Development, minus \$9,000,000.	38442
MARINA DISTRICT/ICE ARENA DEVELOPMENT	38443
The amount reappropriated to the Cultural and Sports	38444
Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice	38445
Arena Development, is the unallotted and unencumbered balance in	38446
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina	38447
District/Ice Arena Development.	38448
Section 609.12. That existing Section 22 of Am. Sub. S.B. 189	38449
of the 125th General Assembly, as most recently amended by Am.	38450
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed.	38451
Section 709.03. The membership on the Farmland Preservation	38452
Advisory Board of the representative of the Natural Resources	38453
Conservation Service in the United States Department of	38454
Agriculture is hereby terminated pursuant to amendments to section	38455
901.23 of the Revised Code made by this act. The remainder of the	38456
term of that member shall be served by the member who is required	38457
to be appointed by the Director of Agriculture to represent soil	38458
and water conservation interests under that section as amended by	38459
this act.	38460
Section 757.03. The Tax Commissioner's certification to the	38461
Department of Education in 2006 for the data described in division	38462
(A)(6) of section 3317.021 of the Revised Code shall be made on or	38463
before August 1, 2006.	38464

Section 757.06. (A) As used in this section, "qualified property" means real and tangible personal property that satisfies all of the following qualifications:

(1) The property is currently owned by an entity defined under division (D)(1) of section 5709.07 of the Revised Code;

(2) The current owner purchased the property from an entity defined under division (D)(1) of section 5709.07 of the Revised Code; and

(3) The property was exempted from taxation under division (A)(2) of section 5709.07 of the Revised Code before the previous owner's acquisition of the property.

(B) Notwithstanding division (A) of section 5715.27 of the Revised Code, when qualified property has not received tax exemption for tax year 2003 due to a failure to timely file an application for exemption for that year, the previous owner of the property, at any time on or before sixty days after the effective date of this section, may file with the Tax Commissioner an application requesting that, pursuant to this section, the property be placed on the tax exempt list and that all unpaid taxes, penalties, and interest on the property for tax year 2003 be abated.

(C) Upon receipt of the application and after consideration of it, the Tax Commissioner shall determine if the applicant meets the qualifications set forth in this section, and if so shall issue an order directing that the property be placed on the tax exempt list of the county for tax year 2003 and that all unpaid taxes, penalties, and interest for that year be abated, but only if the Commissioner finds that the property met the qualifications for exemption under division (A)(2) of section 5709.07 of the Revised Code for tax year 2003.

(D) The Tax Commissioner may apply this section to any 38495
qualified property that is the subject of an application for 38496
exemption pending before the Tax Commissioner on the effective 38497
date of this section, without requiring the property owner to file 38498
an additional application, but only if the applicant files a 38499
notice with the Tax Commissioner requesting consideration under 38500
this section before this section expires. 38501

(E) This section expires six months after the effective date 38502
of this section. 38503

Section 757.09. (A) As used in this section, "qualified 38504
property" means real and tangible personal property that satisfies 38505
all of the following conditions: 38506

(1) The property is currently owned by a municipal 38507
corporation; 38508

(2) The current owner of the property acquired the property 38509
from an entity that operated a hospital and that was exempt from 38510
taxation under section 501(c)(3) of the Internal Revenue Code of 38511
1986; and 38512

(3) That entity had previously filed an application for 38513
exemption that was dismissed after the property was transferred to 38514
the municipal corporation. 38515

(B) Notwithstanding section 5713.081 and division (A) of 38516
section 5715.27 of the Revised Code, when qualified property has 38517
not received an exemption from taxation for tax years 2001 through 38518
2004 due to the dismissal of a timely filed application for 38519
exemption filed after the qualified property had been transferred 38520
to the current owner and if the qualified property otherwise 38521
satisfied the qualifications for exemption under section 5709.12 38522
or 5709.121 of the Revised Code for those years, the prior owner 38523
of the property, at any time on or before sixty days after the 38524

effective date of this section, may file an application with the
Tax Commissioner requesting that, pursuant to this section, the
property be placed on the tax exempt list of the county and that
unpaid taxes, penalties, and interest on the property for those
years be abated or remitted.

(C) Upon receiving an application filed pursuant to this
section, the Tax Commissioner shall determine if the qualified
property that is the subject of the application satisfied the
qualifications for exemption under section 5709.12 or 5709.121 of
the Revised Code for tax years 2001 through 2004 and whether the
applicant satisfies the other qualifications set forth in this
section, and if the qualified property qualified for exemption and
the applicant satisfies those other qualifications, the
Commissioner shall issue an order directing that the property be
placed on the tax exempt list of the county for tax years 2001
through 2004 and that all unpaid taxes, penalties, and interest
for those years be abated or remitted.

(D) The Tax Commissioner may apply this section to any
qualified property that is the subject of an application for
exemption pending before the Commissioner on the effective date of
this section without requiring that the prior owner of the
qualified property file an additional application so long as the
prior owner files a notice with the Tax Commissioner requesting
consideration of the pending application under this section prior
to the expiration date of this section.

(E) This section expires on the last day of the sixth month
following the effective date of this section.

Section 757.12. Section 5709.081 of the Revised Code, as
amended by this act, is remedial in nature and applies to the tax
years at issue in any application for exemption from taxation
pending before the Tax Commissioner, the Board of Tax Appeals, any

Court of Appeals, or the Supreme Court on the effective date of 38556
this section and to the property that is the subject of the 38557
application. 38558

Section 757.15. Section 5725.222 of the Revised Code, as 38559
enacted by this act, applies to taxes due or paid before, on, or 38560
after the effective date of that section, but no statute of 38561
limitation under division (A) or (B) of that section shall expire 38562
before thirty days after the effective date of that section. 38563

Section 757.18. Section 5729.102 of the Revised Code, as 38564
enacted by this act, applies to taxes due or paid before, on, or 38565
after the effective date of that section, but no statute of 38566
limitation under division (A) or (B) of that section shall expire 38567
before thirty days after the effective date of that section. 38568

Section 803.03. The amendment by this act of section 9.901 of 38569
the Revised Code neither confirms nor orders the implementation of 38570
the provisions of the section that have become law but that are 38571
not effective because of Section 611.03 of H.B. 66 of the 126th 38572
General Assembly. The provisions of section 9.901 of the Revised 38573
Code that have become law but that are not effective because of 38574
Section 611.03 of H.B. 66 of the 126th General Assembly continue 38575
not in effect, pending enactment of a law confirming and ordering 38576
their implementation as contemplated by the latter section. The 38577
not-in-effect provisions of section 9.901 of the Revised Code are 38578
presented in this act in compliance with the substantive rule of 38579
form contained in the second sentence of Ohio Constitution, 38580
Article II, Section 15(D) and to negate any implication they are 38581
being repealed. 38582

Section 806.03. The items of law of which the sections of law 38583
contained in this act are composed, and their applications, are 38584

independent and severable. If any item of law that constitutes the whole or part of a section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application.

Section 812.03. Except as otherwise specifically provided in this act, the amendment or enactment of the sections of law contained in this act, and the items of law of which the amendments or enactments are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendment or enactment of the sections of law contained in this act, and the items of law of which the amendments or enactments are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such amendment or enactment, or against any item of law of which any such amendment or enactment is composed, the amendment or enactment, or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 812.06. Except as otherwise specifically provided in this act, the repeal by this act of a section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 812.09. The amendment or enactment by this act of the sections of law listed in this section is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments or enactments, and the items of law of which the amendments or enactments are composed, take effect as specified in this section. If, however, a referendum petition is filed against any such amendment or enactment, or against any item of law of which any such amendment or enactment is composed, the amendment or enactment, unless rejected at the referendum, goes into effect at the earliest time permitted by law that is on or after the effective date specified in this section.

Sections 9.41, 113.09, 113.11, 113.12, 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 124.09, 124.11, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.327, 124.382, 124.384, 124.387, 124.389, 124.391, 124.82, 124.821, 124.822, 124.823, 124.84, 125.21, 126.07, 126.21, 126.22, 131.01, 131.33, 141.08, 141.10, 145.70, 742.57, 1523.02, 2503.20, 3307.32, 3309.68, 3701.041, 5115.04, 5505.27, and 5747.11 of the Revised Code take effect December 1, 2006.

Sections 121.04, 121.086, 121.11, 3773.33, 3773.43, 3773.51, 3773.52, 3773.56, 4513.263, 4709.05, 4709.06, 4713.05, 4713.06, 4713.141, 4717.03, 4725.05, 4725.06, 4725.34, 4725.45, 4725.46, 4732.06, 4732.14, 4734.05, 4734.54, 4736.03, 4736.06, 4741.03, 4741.171, 4741.25, 4743.05, 4752.08, 4752.09, 4752.18, 4753.04, 4753.11, 4755.03, 4755.04, 4755.13, 4757.05, 4757.31, 4758.15, 4758.21, 4759.04, 4759.08, 4761.02, 4761.03, 4761.07, 4766.02, 4766.05, 4771.22, 4775.04, 4775.05, 4775.06, 4775.08, 4779.06, 4779.08, 4779.17, 4779.18, 4781.03, 4781.05, and 4781.13 of the Revised Code take effect July 1, 2007.

Section 515.03 of this act takes effect December 1, 2006. 38646

Section 812.12. The repeal by this act of the sections of law 38647
listed in this section is subject to the referendum. Therefore, 38648
under Ohio Constitution, Article II, Section 1c and section 1.471 38649
of the Revised Code, the repeals take effect as specified in this 38650
section. If, however, a referendum petition is filed against any 38651
such repeal, the repeal, unless rejected at the referendum, goes 38652
into effect at the earliest time permitted by law that is on or 38653
after the effective date specified in this section. 38654

The repeal of section 4732.04 of the Revised Code takes 38655
effect July 1, 2007. 38656

Section 815.03. The amendment or enactment by this act of the 38657
sections of law listed in this section, and the items of law of 38658
which the amendments or enactments are composed, are not subject 38659
to the referendum. Therefore, under Ohio Constitution, Article II, 38660
Section 1d and section 1.471 of the Revised Code, the amendments 38661
or enactments, and the items of law of which the amendments or 38662
enactments are composed, go into immediate effect when this act 38663
becomes law. 38664

Sections 133.01, 133.06, 184.20, 2305.2341, 2923.46, 2925.44, 38665
2933.43, 3310.03, 3310.06, 3314.35, 3314.36, 3317.021, 3317.029, 38666
3317.0216, 3745.114, 5111.061, 5111.20, 5111.231, 5111.27, and 38667
5919.19 of the Revised Code. 38668

The repeal and reenactment of section 3325.12 of the Revised 38669
Code. 38670

Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 38671
203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.48, 206.03, 38672
206.09.12, 206.09.15, 206.09.84, 206.16, 206.48, 206.66.22, 38673
206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.91, 38674
206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 38675

209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 38676
209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 38677
212.03, 212.24, 212.27, 212.30, 212.33, and 315.03 of Am. Sub. 38678
H.B. 66 of the 126th General Assembly. 38679

Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 38680
126th General Assembly. 38681

Sections 506.03, 512.03, 512.06, 512.12, 512.15, 512.18, 38682
515.06, and 757.03 of this act. 38683

Sections 815.03, 815.06, 815.09, 821.03, 821.09, and 831.03 38684
of this act. 38685

Section 815.06. The repeal by this act of the sections of law 38686
listed in this section is not subject to the referendum. 38687
Therefore, under Ohio Constitution, Article II, Section 1d and 38688
section 1.471 of the Revised Code, the repeals go into immediate 38689
effect when this act becomes law. 38690

Section 3325.17 of the Revised Code. 38691

Section 815.09. The amendment or enactment by this act of the 38692
sections of law listed in this section are not subject to the 38693
referendum. Therefore, under Ohio Constitution, Article II, 38694
Section 1d and section 1.471 of the Revised Code, the amendments 38695
or enactments, and the items of law of which amendments or 38696
enactments are composed, go into effect as specified in this 38697
section. 38698

Sections 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 38699
(5111.082), 5111.084 (5111.083), 5111.085 (5111.084), 5111.941, 38700
5111.943, 5112.08, and 5112.18 of the Revised Code take effect 38701
July 1, 2006. 38702

Sections 206.66.85 and 206.67.15 of Am. Sub. H.B. 66 of the 38703
126th General Assembly take effect July 1, 2006. 38704

Section 818.03. The amendment or enactment by this act of the sections of law listed in this section provides for or is essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendments and enactments, and the items of which the amendments and enactments are composed, are not subject to the referendum and go into immediate effect when this act becomes law.

Sections 122.17, 122.171, 133.04, 133.18, 5701.11, 5705.03, 5705.195, 5705.34, 5709.081, 5709.42, 5709.73, 5709.74, 5709.79, 5711.01, 5725.221, 5725.222, 5725.98, 5727.06, 5727.85, 5729.05, 5729.101, 5729.102, 5729.98, 5733.352, 5739.026, 5743.15, 5745.01, 5747.012, 5747.05, 5747.056, 5747.331, 5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, and 5751.53 of the Revised Code.

Sections 757.06, 757.09, 757.12, 757.15, 757.18, and 831.06 of this act.

Sections 818.03 and 821.06 of this act.

Section 821.03. (A) Except as otherwise provided in division (B) of this section, the amendments by this act to section 4781.04 of the Revised Code are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d, and section 1.471 of the Revised Code, the amendments go into immediate effect when this act becomes law.

(B) The amendment by this act to division (B)(11) of section 4781.04 of the Revised Code is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendment takes effect July 1, 2007. If, however, a referendum petition is filed against the amendment, the amendment, unless rejected at the referendum, takes effect at the earliest time permitted by law that is on or after

the effective date specified in this section. 38735

Section 821.03.03. (A) Except as otherwise provided in 38736
division (B) of this section, the amendments by this act to 38737
section 5709.40 of the Revised Code provide for or are essential 38738
to implementation of a tax levy. Therefore, under Ohio 38739
Constitution, Article II, Section 1d, the amendments are not 38740
subject to the referendum and go into immediate effect when this 38741
act becomes law. 38742

(B) The amendment to division (C)(3)(a) of section 5709.40 of 38743
the Revised Code that refers to section 5709.43 of the Revised 38744
Code is subject to the referendum. Therefore, under Ohio 38745
Constitution, Article II, Section 1c, the amendment takes effect 38746
on the ninety-first day after this act is filed with the Secretary 38747
of State. If, however, a referendum petition is filed against the 38748
amendment, the amendment, unless rejected at the referendum, takes 38749
effect at the earliest time permitted by law. 38750

Section 821.03.06. (A) Except as otherwise provided in 38751
division (B) of this section, the amendments by this act to 38752
section 5709.78 of the Revised Code provide for or are essential 38753
to implementation of a tax levy. Therefore, under Ohio 38754
Constitution, Article II, Section 1d, the amendments are not 38755
subject to the referendum and go into immediate effect when this 38756
act becomes law. 38757

(B) The amendments to the second paragraph of division (A) 38758
and to division (H) of section 5709.78 of the Revised Code are 38759
subject to the referendum. Therefore, under Ohio Constitution, 38760
Article II, Section 1c, the amendments take effect on the 38761
ninety-first day after this act is filed with the Secretary of 38762
State. If, however, a referendum petition is filed against the 38763
amendments, the amendments, unless rejected at the referendum, 38764

take effect at the earliest time permitted by law. 38765

Section 821.06. (A) Except as otherwise provided in division 38766
(B) of this section, the amendments by this act to section 5747.01 38767
of the Revised Code provide for or are essential to implementation 38768
of a tax levy. Therefore, under Ohio Constitution, Article II, 38769
Section 1d, the amendments are not subject to the referendum and 38770
go into immediate effect when this act becomes law. 38771

(B) The amendments adding divisions (A)(22) and (23) to 38772
section 5747.01 of the Revised Code are subject to the referendum. 38773
Therefore, under Ohio Constitution, Article II, Section 1c, the 38774
amendments take effect on the ninety-first day after this act is 38775
filed with the Secretary of State. If, however, a referendum 38776
petition is filed against either amendment, the amendment, unless 38777
rejected at the referendum, takes effect at the earliest time 38778
permitted by law. 38779

Section 821.09. (A) Except as otherwise provided in division 38780
(B) of this section, the amendments by this act to Section 206.66 38781
of Am. Sub. H.B. 66 of the 126th General Assembly are not subject 38782
to the referendum. Therefore, under Ohio Constitution, Article II, 38783
Section 1d, and section 1.471 of the Revised Code, the amendments 38784
go into immediate effect when this act becomes law. 38785

(B) The amendments by this act to Section 206.66 of Am. Sub. 38786
H.B. 66 of the 126th General Assembly that adjust appropriation 38787
items 600-525, Health Care/Medicaid, 600-529, Capital Compensation 38788
Program, and 600-623, Health Care Federal, and 600-692, 38789
Prescription Drug Rebate-State and that create appropriation items 38790
600-529, Capital Compensation Program, and 600-639, Medicaid 38791
Revenue Collections, are not subject to the referendum. Therefore, 38792
under Ohio Constitution, Article II, Section 1d, and section 1.471 38793
of the Revised Code, the amendments take effect July 1, 2006. 38794

Section 831.03. The General Assembly, applying the principle 38795
stated in division (B) of section 1.52 of the Revised Code that 38796
amendments are to be harmonized if reasonably capable of 38797
simultaneous operation, finds that the following sections, 38798
presented in this act as composites of the sections as amended by 38799
the acts indicated, are the resulting versions of the sections in 38800
effect prior to the effective date of the sections as presented in 38801
this act: 38802

Section 109.572 of the Revised Code as amended by both Am. 38803
Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly 38804
and Am. Sub. H.B. 68 of the 126th General Assembly. 38805

Section 133.04 of the Revised Code as amended by both Am. 38806
H.B. 76 and Am. Sub. S.B. 3 of the 123rd General Assembly. 38807

Section 2913.01 of the Revised Code as amended by Am. Sub. 38808
H.B. 361, Am. Sub. H.B. 369, Sub. H.B. 536, and Am. Sub. S.B. 146, 38809
all of the 125th General Assembly. 38810

Section 3734.57 of the Revised Code as amended by both Am. 38811
Sub. H.B. 66 and Sub. S.B. 107 of the 126th General Assembly. 38812

Section 5709.73 of the Revised Code as amended by both Am. 38813
Sub. H.B. 66 and Sub. S.B.107 of the 126th General Assembly. 38814

Section 5735.27 of the Revised Code as amended by both Am. 38815
Sub. H.B. 68 and Sub. S.B. 107 of the 126th General Assembly. 38816

Section 5743.081 of the Revised Code as amended by both Sub. 38817
S.B. 200 and Am. Sub. S.B. 261 of the 124th General Assembly. 38818

The finding in this section takes effect at the same time as 38819
the section referenced in the finding takes effect. 38820

Section 831.06. The amendments by this act of the first 38821
paragraph of division (F) of section 5751.01, of division 38822
(F)(2)(w) of section 5751.01, of the first paragraph of section 38823

5751.032, and of divisions (A)(7) and (A)(8)(c) of section	38824
5751.032 of the Revised Code are nonsubstantive corrections of	38825
errors in Chapter 5751. of the Revised Code.	38826