

As Passed by the House

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

Am. Sub. H. B. No. 530

**Representatives Calvert, Coley, Allen, Aslanides, Collier, Combs, Dolan,
Evans, C., Evans, D., Flowers, Hagan, Law, Martin, McGregor, R., Peterson,
Schneider, Seitz, Setzer, Webster, White, Widowfield**

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A B I L L

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, 121.37, 122.17, 122.171, 122.72, 122.73, 4
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5751.10, 5751.20, 5751.21, 5751.22, 5751.53, and	50
6121.02; to amend, for the purpose of adopting new	51
section numbers as indicated in parentheses,	52
sections 117.45 (126.35), 117.46 (126.36), 117.47	53
(126.37), 117.48 (126.38), 173.41 (173.394),	54
5111.081 (5111.942), 5111.082 (5111.081), 5111.083	55
(5111.082), 5111.084 (5111.083), and 5111.085	56

(5111.084); to enact new sections 3325.12, 57
3365.11, and 5111.18 and sections 131.022, 173.27, 58
307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 59
333.06, 333.07, 3310.11, 3310.12, 3314.18, 60
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5725.98, 5729.101, 5729.102, 5729.98, 5743.021, 66
5743.321, 5748.011, and 5919.19; and to repeal 67
sections 3325.12, 3325.17, 3365.11, 4732.04, and 68
5111.18 of the Revised Code; to amend Section 3 of 69
Sub. H.B. 11 of the 126th General Assembly; to 70
amend Sections 203.09, 203.12, 203.12.12, 203.45, 71
203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 72
203.99.01, 203.99.48, 206.03, 206.09.12, 73
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209.64.60, 209.75, 209.81, 209.90.06, 212.03, 82
212.24, 212.27, 212.30, 212.33, 315.03, 557.12, 83
and 612.36.03 of Am. Sub. H.B. 66 of the 126th 84
General Assembly; to amend Sections 23 and 23.01 85
of Am. Sub. S.B. 189 of the 125th General 86
Assembly; to amend Sections 19.01, 20.01, 23.12, 87
and 23.45 of Am. Sub. H.B. 16 of the 126th General 88
Assembly, as subsequently amended; to amend 89

Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 90
68 of the 126th General Assembly, as subsequently 91
amended; to amend Section 22 of Am. Sub. S.B. 189 92
of the 125th General Assembly, as subsequently 93
amended; and to repeal Sections 315.03 and 94
557.09.09 of Am. Sub. H.B. 66 of the 126th General 95
Assembly to make capital reappropriations for the 96
biennium ending June 30, 2008, to make certain 97
supplemental and capital appropriations and to 98
provide authorization and conditions for the 99
operation of state programs. 100

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, 101
109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 102
117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 122.171, 103
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3355.07, 3357.10, 3358.06, 3365.02, 3375.121, 3381.15, 3381.17,	121
3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 3734.57, 3735.67,	122
3745.114, 3905.43, 4109.01, 4109.02, 4109.06, 4117.01, 4303.29,	123
4731.22, 4731.281, 4781.04, 4905.79, 5111.061, 5111.081, 5111.11	124
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5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18,	126
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5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 5733.352,	131
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5743.12, 5743.13, 5743.15, 5743.33, 5743.34, 5743.35, 5745.01,	134
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5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051,	136
5751.10, 5751.20, 5751.21, 5751.22, 5751.53, and 6121.02 be	137
amended; that sections 117.45 (126.35), 117.46 (126.36), 117.47	138
(126.37), 117.48 (126.38), 173.41 (173.394), 5111.081 (5111.942),	139
5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), and	140
5111.085 (5111.084) be amended for the purpose of adopting new	141
sections numbers as indicated in parentheses; that new sections	142
3325.12, 3365.11, and 5111.18 and sections 131.022, 173.27,	143
307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07,	144
3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 3701.79, 4303.207,	145
4503.105, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817,	146
5111.941, 5111.943, 5112.311, 5123.37, 5123.371, 5123.372,	147
5123.373, 5123.374, 5123.375, 5502.261, 5531.101, 5701.11,	148
5705.211, 5725.222, 5725.98, 5729.101, 5729.102, 5729.98,	149
5743.021, 5743.321, 5748.011, and 5919.19 of the Revised Code be	150

enacted to read as follows: 151

Sec. 9.41. The ~~auditor of state,~~ director of budget and 152
management, or any fiscal officer of any county, city, city health 153
district, general health district, or city school district 154
thereof, or civil service township, shall not draw, sign, issue, 155
or authorize the drawing, signing, or issuing of any warrant on 156
the treasurer of state or other disbursing officer of the state, 157
or the treasurer or other disbursing officer of any county, city, 158
or city school district thereof, or civil service township, to pay 159
any salary or other compensation to any officer, clerk, employee, 160
or other person in the classified service unless an estimate, 161
payroll, or account for such salary or compensation containing the 162
name of each person to be paid, bears the certificate of the 163
director of administrative services, or in the case of the service 164
of the city or civil service township, the certificate of the 165
civil service commission of the city or civil service township, or 166
in the case of the service of the county, the certificate of the 167
appointing authority, that the persons named in the estimate, 168
payroll, or account have been appointed, promoted, reduced, 169
suspended, or laid off, or are being employed in pursuance of 170
Chapter 124. of the Revised Code and the rules adopted thereunder. 171

Where estimates, payrolls, or accounts are prepared by 172
electronic data processing equipment, the director of 173
administrative services or the municipal or civil service township 174
civil service commission may develop methods for controlling the 175
input or verifying the output of such equipment to ensure 176
compliance with Chapter 124. of the Revised Code and the rules 177
adopted thereunder. Any estimates, payrolls, or accounts prepared 178
by these methods shall be subject to special audit at any time. 179

Any sum paid contrary to this section may be recovered from 180
any officer making such payment in contravention of law and of the 181

rules made in pursuance of law, or from any officer signing, 182
countersigning, or authorizing the signing or countersigning of 183
any warrant for the payment of the same, or from the sureties on 184
~~his~~ the officer's official bond, in an action in the courts of the 185
state, maintained by a citizen resident therein. All moneys 186
recovered in any action brought under this section shall, when 187
collected, be paid into the state treasury or the treasury of the 188
appropriate civil division of the state, except that the plaintiff 189
in any action shall be entitled to recover ~~his~~ the plaintiff's own 190
taxable costs of such action. 191

Sec. 9.901. (A)(1) All health care benefits provided to 192
persons employed by the public schools of this state shall be 193
provided by medical plans designed pursuant to this section by the 194
school employees health care board. The board, in consultation 195
with the superintendent of insurance, shall negotiate with and, in 196
accordance with the competitive selection procedures of Chapter 197
125. of the Revised Code, contract with one or more insurance 198
companies authorized to do business in this state for the issuance 199
of the plans. Any or all of the medical plans designed by the 200
board may be self-insured. All self-insured plans adopted shall be 201
administered by the board in accordance with this section. As used 202
in this section, a "public school" means a school in a city, 203
local, exempted village, or joint vocational school district, and 204
includes the educational service centers associated with those 205
schools. 206

(2) Prior to soliciting proposals from insurance companies 207
for the issuance of medical plans, the board shall determine what 208
geographic regions exist in the state based on the availability of 209
providers, networks, costs, and other factors relating to 210
providing health care benefits. The board shall then determine 211
what medical plans are offered by school districts and existing 212

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;

(2) Three members appointed by the president of the senate;

(3) Three members appointed by the speaker of the house of
representatives.

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.

(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~~ September 29, 2005.

Members' terms shall end on the ~~same day of the same month as~~
~~the effective date of this section~~ twenty-ninth day of September,
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.

(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.

(3) Members may be removed by their appointing authority for
misfeasance, malfeasance, incompetence, dereliction of duty, or
other just cause.

(D)(1) The governor shall call the first meeting of the
school employees health care board. At that meeting, and annually
thereafter, the board shall elect a chairperson and may elect
members to other positions on the board as the board considers
necessary or appropriate. The board shall meet at least four times

each calendar year and shall also meet at the call of the 275
chairperson or three or more board members. The chairperson shall 276
provide reasonable advance notice of the time and place of board 277
meetings to all members. 278

(2) A majority of the board constitutes a quorum for the 279
transaction of business at a board meeting. A majority vote of the 280
members present is necessary for official action. 281

(E) The school employees health care board shall conduct its 282
business at open meetings; however, the records of the board are 283
not public records for purposes of section 149.43 of the Revised 284
Code. 285

(F) The school employees health care fund is hereby created 286
in the state treasury. The public schools shall pay all school 287
employees health care board plan premiums in the manner prescribed 288
by the school employees health care board to the board for deposit 289
into the school employees health care fund. All funds in the 290
school employees health care fund shall be used solely for the 291
provision of health care benefits to public schools employees 292
pursuant to this section and related administrative costs. 293
Premiums received by the board or insurance companies contracted 294
pursuant to division (A) of this section are not subject to any 295
state insurance premium tax. 296

(G) The school employees health care board shall do all of 297
the following: 298

(1) Design multiple medical plans, including regional plans, 299
to provide, in the board's judgment, the optimal combination of 300
coverage, cost, choice, and stability of health cost benefits. The 301
board may establish more than one tier of premium rates for any 302
medical plan. The board shall establish regions as necessary for 303
the implementation of the board's medical plans. Plans and premium 304
rates may vary across the regions established by the board. 305

(2) Set an aggregate goal for employee and employer portions	306
of premiums for the board's medical plans so as to manage plan	307
participation and encourage the use of value-based plan	308
participation by employees;	309
(3) Set employer and employee plan copayments, deductibles,	310
exclusions, limitations, formularies, premium shares, and other	311
responsibilities;	312
(4) Include disease management and consumer education	313
programs, to the extent that the board determines is appropriate,	314
in all medical plans designed by the board, which programs shall	315
include, but are not limited to, wellness programs and other	316
measures designed to encourage the wise use of medical plan	317
coverage. These programs are not services or treatments for	318
purposes of section 3901.71 of the Revised Code.	319
(5) Create and distribute to the governor, the speaker of the	320
house of representatives, and the president of the senate, an	321
annual report covering the plan background; plan coverage options;	322
plan administration, including procedures for monitoring and	323
managing objectives, scope, and methodology; plan operations;	324
employee and employer contribution rates and the relationship	325
between the rates and the school employees health care fund	326
balance; a means to develop and maintain identity and evaluate	327
alternative employee and employer cost-sharing strategies; an	328
evaluation of the effectiveness of cost-saving services and	329
programs; an evaluation of efforts to control and manage member	330
eligibility and to insure that proper employee and employer	331
contributions are remitted to the trust fund; efforts to prevent	332
and detect fraud; and efforts to manage and monitor board	333
contracts;	334
(6) Utilize cost containment measures aligned with patient,	335
plan, and provider management strategies in developing and	336

managing medical plans. 337

(H) The sections in Chapter 3923. of the Revised Code 338
regulating public employee benefit plans are not applicable to the 339
medical plans designed pursuant to this section. 340

(I)(1) Public schools are not subject to this section prior 341
to the release of medical plans designed pursuant to this section. 342

(2) Prior to the school employees health care board's release 343
of the board's initial medical plans, the board shall contract 344
with an independent consultant to analyze costs related to 345
employee health care benefits provided by existing school district 346
plans in this state. The consultant shall determine the benefits 347
offered by existing medical plans, the employees' costs, and the 348
cost-sharing arrangements used by public schools either 349
participating in a consortium or by other means. The consultant 350
shall determine what strategies are used by the existing medical 351
plans to manage health care costs and shall study the potential 352
benefits of state or regional consortiums of public schools 353
offering multiple health care plans. Based on the findings of the 354
analysis, the consultant shall submit written recommendations to 355
the board for the development and implementation of a successful 356
program for pooling school districts' purchasing power for the 357
acquisition of employee medical plans. The consultant's 358
recommendations shall address, at a minimum, all of the following 359
issues: 360

(a) The establishment of regions for the provision of medical 361
plans, based on the availability of providers and plans in the 362
state at the time that the school employees health care board is 363
established; 364

(b) The use of regional preferred provider and closed panel 365
plans, health savings accounts, and alternative medical plans, to 366
stabilize both costs and the premiums charged school districts and 367

district employees;	368
(c) The development of a system to obtain eligibility data	369
and data compiled pursuant to the "Consolidated Omnibus Budget	370
Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C.	371
1161, as amended;	372
(d) The use of the competitive bidding process for regional	373
medical plans;	374
(e) The development of a timeline planning for the design and	375
use of board medical plans by not later than December 31, 2007;	376
(f) The use of information on claims and costs and of	377
information reported by districts pursuant to COBRA in analyzing	378
administrative and premium costs;	379
(g) The experience of states that have mandated statewide	380
medical plans for public school employees, including the	381
implementation strategies used by those states;	382
(h) Recommended strategies for the use of first-year roll-in	383
premiums in the transition from district medical plans to school	384
employees health care board plans;	385
(i) The option of allowing school districts to join an	386
existing regional consortium as an alternative to school employees	387
health care board plans;	388
(j) Mandatory and optional coverages to be offered by the	389
board's medical plans;	390
(k) Potential risks to the state from the use of medical	391
plans developed pursuant to this section;	392
(l) Any legislation needed to ensure the long-term financial	393
solvency and stability of a health care purchasing system;	394
(m) The potential impacts of any changes to the existing	395
purchasing structure on all of the following:	396

(i) Existing health care pooling and consortiums;	397
(ii) School district employees;	398
(iii) Individual school districts.	399
(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;	400 401 402
(o) Strategies available to the board in the creation of fund reserves and the need for stop-loss insurance coverage for catastrophic losses;	403 404 405
(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.	406 407 408 409 410 411
(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 public schools, and a health insuring corporation licensed to do business in Ohio and recommended by the Ohio association of health plans. The initial appointees shall be appointed to a one-year term not later than July 31, 2005 <u>2007</u> , the members' term to begin on that date. Subsequent one-year appointments, to commence on the	412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427

thirty-first day of July of each year, shall be made in the same 428
manner. A member shall continue to serve subsequent to the 429
expiration of the member's term until the member's successor is 430
appointed. Any vacancy occurring during a member's term shall be 431
filled in the same manner as the original appointment, except that 432
the person appointed to fill the vacancy shall be appointed to the 433
remainder of the unexpired term. The governor shall call the first 434
meeting of each newly appointed committee. At that meeting the 435
board shall elect a chairperson who shall call the time and place 436
of future committee meetings. Committee members are not subject to 437
the conditions for eligibility set by division (B) of this section 438
for members of the school employees health care board. 439

(4) The school employees health care board shall submit a 440
written study to the governor and the general assembly not later 441
than ~~January 15~~ December 1, 2006, of a plan to operate in 442
compliance with this section, and on the governance of the school 443
employees health care board. A copy of the board's plan of 444
operation, including audit provisions, shall accompany the report 445
on the board's governance and the report shall include the board's 446
recommendations on any legislation needed to enforce the 447
recommendations of the board on implementing the provisions of 448
this section. 449

(5) Not later than January 15, 2009, and not later than the 450
same day of each subsequent year, the school employees health care 451
board shall submit a written report to the governor and each 452
member of the general assembly, which report evaluates the 453
performance of school employees health care board medical plans 454
during the previous year. Districts offering employee health care 455
benefits through a plan offered by a consortium of two or more 456
districts, or a consortium of one or more districts and one or 457
more political subdivisions as defined in section 9.833 of the 458
Revised Code, representing five thousand or more employees as of 459

January 1, 2005, may request permission from the school employees 460
health care board to continue offering consortium plans to the 461
districts' employees at the discretion of the board. If the board 462
grants permission, the permission is valid for only one year but 463
may be renewed annually thereafter upon application to an approval 464
of the board. The board shall grant initial or continued approval 465
upon finding, based on an actuarial evaluation of the existing 466
consortium plan offerings, that benefit design, premium costs, 467
administrative cost, and other factors considered by the board are 468
equivalent to or lower than comparable costs of the board's plan 469
options offered to the local district. Age and gender adjustments, 470
benefit comparison adjustments, and the total cost of the 471
consortium plan, including administration, benefit cost, stop-loss 472
insurance, and all other expenses or information requested by the 473
board shall be presented to the board prior to the board's 474
decision to allow a local district to continue to offer health 475
care benefits under a consortium plan. A district shall not 476
participate in the consortium plan once the district has chosen to 477
offer plans designed by the board to the district's employees and 478
begins premium payments for deposit into the school employees 479
health care fund. 480

(6) Any districts providing medical plan coverage for the 481
employees of public schools, or that have provided coverage within 482
two years prior to ~~the effective date of this section~~ September 483
29, 2005, shall provide nonidentifiable aggregate claims data for 484
the coverage to the school employees health care board or the 485
department of administrative services, without charge, within 486
thirty days after receiving a written request from the board or 487
the department. The claims data shall include data relating to 488
employee group benefit sets, demographics, and claims experience. 489

(J) The school employees health care board may contract with 490
other state agencies as the board deems necessary for the 491

implementation and operation of this section, based on 492
demonstrated experience and expertise in administration, 493
management, data handling, actuarial studies, quality assurance, 494
or other needed services. The school employees health care board 495
shall contract with the department of administrative services for 496
central services until the board is able to obtain such services 497
from other sources. The board shall reimburse the department of 498
administrative services for the reasonable cost of those services. 499

(K) The board's administrative functions shall include, but 500
are not limited to, the following: 501

(1) Maintaining reserves in the school employees health care 502
fund, reinsurance, and other measures that in the judgment of the 503
board will result in the long-term stability and solvency of the 504
medical plans designed by the board. The board shall bill school 505
districts, in proportion to a district's premium payments to all 506
premium payments paid into the school employees health care fund 507
during the previous year, in order to maintain necessary reserves, 508
reinsurance, and administrative and operating funds. Each school 509
district contributing to a board medical plan shall share any 510
losses due to the expense of claims paid by the plan. In the event 511
of a loss, the board may bill each district an amount, in 512
proportion to the district's premium payments to all premium 513
payments paid into the school employees health care fund during 514
the previous year, sufficient in total to cover the loss. The 515
state is not liable for any obligations of the school employees 516
health care board or the school employees health care fund, or for 517
expenses of public schools or school districts related to the 518
board's medical plans. 519

(2) Providing health care information, wellness programs, and 520
other preventive health care measures to medical plan 521
beneficiaries, to the extent that the board determines to be 522
appropriate; 523

(3) Coordinating contracts for services related to the 524
board's medical plans. Contracts shall be approved by the school 525
employees health care board. 526

(L) Not less than ninety days before coverage begins for 527
public school employees under medical plans designed by the school 528
employees health care board, a school district's board of 529
education shall provide detailed information about the medical 530
plans to the employees. 531

(M) Nothing in this section shall be construed as prohibiting 532
public schools or school districts from consulting with and 533
compensating insurance agents and brokers for professional 534
services. 535

(N) The department of administrative services shall report to 536
the governor, the speaker of the house of representatives, and the 537
president of the senate ~~within eighteen months after the effective~~ 538
~~date of this section~~ not later than April 30, 2007, on the 539
feasibility of achieving all of the following: 540

(1) Designing multiple medical plans to cover persons 541
employed by public institutions of higher education that achieve 542
an optimal combination of coverage, cost, choice, and stability, 543
which plans include both state and regional preferred provider 544
plans, set employee and employer premiums, and set employee plan 545
copayments, deductibles, exclusions, limitations, formularies, and 546
other responsibilities. For this purpose, "public institutions of 547
higher education" include, without limitation, state universities 548
and colleges, state community college districts, community college 549
districts, university branch districts, technical college 550
districts, and municipal universities. 551

(2) Maintaining reserves, reinsurance, and other measures to 552
insure the long-term stability and solvency of the medical plans; 553

(3) Providing appropriate health care information, wellness 554

programs, and other preventive health care measures to medical 555
plan beneficiaries; 556

(4) Coordinating contracts for services related to the 557
medical plans. 558

Sec. 101.543. The As used in this section, "published" means 559
to produce an electronic record that is accessible to the public. 560

The daily journals of the senate and house of representatives 561
~~journals~~ shall be printed or published daily during each session 562
of the general assembly ~~in pamphlet form without covers. The~~ 563
~~senate journal shall precede the house of representatives journal~~ 564
~~in the pamphlet.~~ The composition used in printing or publishing 565
the daily journals shall be retained for use in printing the final 566
journals. 567

The final journals and appendixes of the senate and house of 568
representatives ~~journals and appendixes~~ shall be printed after 569
adjournment sine die and be bound in half law binding. The 570
respective journal of each house and its proper appendix shall 571
compose one volume unless the clerk of the senate or clerk of the 572
house of representatives, as the case may be, directs that they be 573
bound in separate volumes. 574

Sec. 107.40. (A) There is hereby created the governor's 575
residence advisory commission. The commission shall provide for 576
the preservation, restoration, acquisition, and conservation of 577
all decorations, objects of art, chandeliers, china, silver, 578
statues, paintings, furnishings, accouterments, and other 579
aesthetic materials that have been acquired, donated, loaned, or 580
otherwise obtained by the state for the governor's residence and 581
that have been approved by the commission. In addition, the 582
commission shall provide for the maintenance of plants that have 583
been acquired, donated, loaned, or otherwise obtained by the state 584

for the governor's residence and that have been approved by the 585
commission. 586

(B) The commission shall be responsible for the care, 587
provision, repair, and placement of furnishings and other objects 588
and accessories of the grounds and public areas of the first story 589
of the governor's residence and for the care and placement of 590
plants on the grounds. In exercising this responsibility, the 591
commission shall preserve and seek to further establish ~~the~~ both 592
of the following: 593

(1) The authentic ambiance and decor of the historic era 594
during which the governor's residence was constructed. ~~These;~~ 595

(2) The grounds as a representation of Ohio's natural 596
ecosystems. 597

These duties shall not affect the obligation of the 598
department of administrative services to provide for the general 599
maintenance and operating expenses of the governor's residence. 600

(C) The commission shall consist of ~~nine~~ eleven members. One 601
member shall be the director of administrative services or the 602
director's designee, who shall serve during the director's term of 603
office and shall serve as chairperson. One member shall be the 604
director of the Ohio historical society or the director's 605
designee, who shall serve during the director's term of office and 606
shall serve as vice-chairperson. One member shall represent the 607
Columbus landmarks foundation. One member shall represent the 608
Bexley historical society. One member shall be the mayor of the 609
city of Bexley, who shall serve during the mayor's term of office. 610
One member shall be the chief executive officer of the Franklin 611
park conservatory joint recreation district, who shall serve 612
during the term of employment as chief executive officer. The 613
remaining five members shall be appointed by the governor with the 614
advice and consent of the senate. The five members appointed by 615

the governor shall be persons with knowledge of Ohio history, 616
architecture, decorative arts, or historic preservation, and one 617
of those members shall have knowledge of landscape architecture, 618
garden design, horticulture, and plants native to this state. 619

(D) Of the initial appointees, the representative of the 620
Columbus landmarks foundation shall serve for a term expiring 621
December 31, 1996, and the representative of the Bexley historical 622
society shall serve for a term expiring December 31, 1997. Of the 623
five members appointed by the governor, three shall serve for 624
terms ending December 31, 1998, and two shall serve for terms 625
ending December 31, 1999. Thereafter, each term shall be for four 626
years, commencing on the first day of January and ending on the 627
last day of December. ~~Each~~ The member having knowledge of 628
landscape architecture, garden design, horticulture, and plants 629
native to this state initially shall be appointed upon the first 630
vacancy on the commission occurring on or after the effective date 631
of this amendment. 632

Each member shall hold office from the date of the member's 633
appointment until the end of the term for which the member was 634
appointed. Any member appointed to fill a vacancy occurring prior 635
to the end of the term for which the member's predecessor was 636
appointed shall hold office for the remainder of the term. Any 637
member shall continue in office subsequent to the expiration of 638
the term until the member's successor takes office. 639

(E) ~~Five~~ Six members of the commission constitute a quorum, 640
and the affirmative vote of ~~five~~ six members is required for 641
approval of any action by the commission. 642

(F) After each initial member of the commission has been 643
appointed, the commission shall meet and select one member as 644
secretary and another as treasurer. Organizational meetings of the 645
commission shall be held at the time and place designated by call 646
of the chairperson. Meetings of the commission may be held 647

anywhere in the state and shall be in compliance with Chapters 648
121. and 149. of the Revised Code. The commission may adopt, 649
pursuant to section 111.15 of the Revised Code, rules necessary to 650
carry out the purposes of this section. 651

(G) Members of the commission shall serve without 652
remuneration, but shall be compensated for actual and necessary 653
expenses incurred in the performance of their official duties. 654

(H) All expenses incurred in carrying out this section are 655
payable solely from money accrued under this section or 656
appropriated for these purposes by the general assembly, and the 657
commission shall incur no liability or obligation beyond such 658
money. 659

(I) The commission may accept any donation, gift, bequest, or 660
devise for the governor's residence or as an endowment for the 661
maintenance and care of the garden on the grounds of the 662
governor's residence in furtherance of its duties. Any revenue 663
received by the commission shall be deposited into the governor's 664
residence fund, which is hereby established in the state treasury, 665
for use by the commission in accordance with the performance of 666
its duties. All investment earnings of the fund shall be credited 667
to the fund. Title to all property acquired by the commission 668
shall be taken in the name of the state and shall be held for the 669
use and benefit of the commission. 670

(J) Nothing in this section limits the ability of a person or 671
other entity to purchase decorations, objects of art, chandeliers, 672
china, silver, statues, paintings, furnishings, accouterments, 673
plants, or other aesthetic materials for placement in the 674
governor's residence or on the grounds of the governor's residence 675
or donation to the commission. No such object or plant, however, 676
shall be placed on the grounds or public areas of the first story 677
of the governor's residence without the consent of the commission. 678

Sec. 109.57. (A)(1) The superintendent of the bureau of 679
criminal identification and investigation shall procure from 680
wherever procurable and file for record photographs, pictures, 681
descriptions, fingerprints, measurements, and other information 682
that may be pertinent of all persons who have been convicted of 683
committing within this state a felony, any crime constituting a 684
misdemeanor on the first offense and a felony on subsequent 685
offenses, or any misdemeanor described in division (A)(1)(a) of 686
section 109.572 of the Revised Code, of all children under 687
eighteen years of age who have been adjudicated delinquent 688
children for committing within this state an act that would be a 689
felony or an offense of violence if committed by an adult or who 690
have been convicted of or pleaded guilty to committing within this 691
state a felony or an offense of violence, and of all well-known 692
and habitual criminals. The person in charge of any county, 693
multicounty, municipal, municipal-county, or multicounty-municipal 694
jail or workhouse, community-based correctional facility, halfway 695
house, alternative residential facility, or state correctional 696
institution and the person in charge of any state institution 697
having custody of a person suspected of having committed a felony, 698
any crime constituting a misdemeanor on the first offense and a 699
felony on subsequent offenses, or any misdemeanor described in 700
division (A)(1)(a) of section 109.572 of the Revised Code or 701
having custody of a child under eighteen years of age with respect 702
to whom there is probable cause to believe that the child may have 703
committed an act that would be a felony or an offense of violence 704
if committed by an adult shall furnish such material to the 705
superintendent of the bureau. Fingerprints, photographs, or other 706
descriptive information of a child who is under eighteen years of 707
age, has not been arrested or otherwise taken into custody for 708
committing an act that would be a felony or an offense of violence 709
if committed by an adult, has not been adjudicated a delinquent 710

child for committing an act that would be a felony or an offense 711
of violence if committed by an adult, has not been convicted of or 712
pleaded guilty to committing a felony or an offense of violence, 713
and is not a child with respect to whom there is probable cause to 714
believe that the child may have committed an act that would be a 715
felony or an offense of violence if committed by an adult shall 716
not be procured by the superintendent or furnished by any person 717
in charge of any county, multicounty, municipal, municipal-county, 718
or multicounty-municipal jail or workhouse, community-based 719
correctional facility, halfway house, alternative residential 720
facility, or state correctional institution, except as authorized 721
in section 2151.313 of the Revised Code. 722

(2) Every clerk of a court of record in this state, other 723
than the supreme court or a court of appeals, shall send to the 724
superintendent of the bureau a weekly report containing a summary 725
of each case involving a felony, involving any crime constituting 726
a misdemeanor on the first offense and a felony on subsequent 727
offenses, involving a misdemeanor described in division (A)(1)(a) 728
of section 109.572 of the Revised Code, or involving an 729
adjudication in a case in which a child under eighteen years of 730
age was alleged to be a delinquent child for committing an act 731
that would be a felony or an offense of violence if committed by 732
an adult. The clerk of the court of common pleas shall include in 733
the report and summary the clerk sends under this division all 734
information described in divisions (A)(2)(a) to (f) of this 735
section regarding a case before the court of appeals that is 736
served by that clerk. The summary shall be written on the standard 737
forms furnished by the superintendent pursuant to division (B) of 738
this section and shall include the following information: 739

(a) The incident tracking number contained on the standard 740
forms furnished by the superintendent pursuant to division (B) of 741
this section; 742

(b) The style and number of the case;	743
(c) The date of arrest;	744
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	745 746 747 748 749 750 751 752 753 754 755 756
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	757 758
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	759 760 761 762
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	763 764 765 766 767
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on	768 769 770 771 772 773

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

(4) The superintendent shall carry out Chapter 2950. of the 794
Revised Code with respect to the registration of persons who are 795
convicted of or plead guilty to either a sexually oriented offense 796
that is not a registration-exempt sexually oriented offense or a 797
child-victim oriented offense and with respect to all other duties 798
imposed on the bureau under that chapter. 799

(5) The bureau shall perform centralized recordkeeping 800
functions for criminal history records and services in this state 801
for purposes of the national crime prevention and privacy compact 802
set forth in section 109.571 of the Revised Code and is the 803
criminal history record repository as defined in that section for 804
purposes of that compact. The superintendent or the 805

superintendent's designee is the compact officer for purposes of 806
that compact and shall carry out the responsibilities of the 807
compact officer specified in that compact. 808

(B) The superintendent shall prepare and furnish to every 809
county, multicounty, municipal, municipal-county, or 810
multicounty-municipal jail or workhouse, community-based 811
correctional facility, halfway house, alternative residential 812
facility, or state correctional institution and to every clerk of 813
a court in this state specified in division (A)(2) of this section 814
standard forms for reporting the information required under 815
division (A) of this section. The standard forms that the 816
superintendent prepares pursuant to this division may be in a 817
tangible format, in an electronic format, or in both tangible 818
formats and electronic formats. 819

(C) The superintendent may operate a center for electronic, 820
automated, or other data processing for the storage and retrieval 821
of information, data, and statistics pertaining to criminals and 822
to children under eighteen years of age who are adjudicated 823
delinquent children for committing an act that would be a felony 824
or an offense of violence if committed by an adult, criminal 825
activity, crime prevention, law enforcement, and criminal justice, 826
and may establish and operate a statewide communications network 827
to gather and disseminate information, data, and statistics for 828
the use of law enforcement agencies. The superintendent may 829
gather, store, retrieve, and disseminate information, data, and 830
statistics that pertain to children who are under eighteen years 831
of age and that are gathered pursuant to sections 109.57 to 109.61 832
of the Revised Code together with information, data, and 833
statistics that pertain to adults and that are gathered pursuant 834
to those sections. In addition to any other authorized use of 835
information, data, and statistics of that nature, the 836
superintendent or the superintendent's designee may provide and 837

exchange the information, data, and statistics pursuant to the 838
national crime prevention and privacy compact as described in 839
division (A)(5) of this section. 840

(D) The information and materials furnished to the 841
superintendent pursuant to division (A) of this section and 842
information and materials furnished to any board or person under 843
division (F) or (G) of this section are not public records under 844
section 149.43 of the Revised Code. 845

(E) The attorney general shall adopt rules, in accordance 846
with Chapter 119. of the Revised Code, setting forth the procedure 847
by which a person may receive or release information gathered by 848
the superintendent pursuant to division (A) of this section. A 849
reasonable fee may be charged for this service. If a temporary 850
employment service submits a request for a determination of 851
whether a person the service plans to refer to an employment 852
position has been convicted of or pleaded guilty to an offense 853
listed in division (A)(1), (3), (4), (5), or (6) of section 854
109.572 of the Revised Code, the request shall be treated as a 855
single request and only one fee shall be charged. 856

(F)(1) As used in division (F)(2) of this section, "head 857
start agency" means an entity in this state that has been approved 858
to be an agency for purposes of subchapter II of the "Community 859
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 860
as amended. 861

(2)(a) In addition to or in conjunction with any request that 862
is required to be made under section 109.572, 2151.86, 3301.32, 863
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 864
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 865
education of any school district; the director of mental 866
retardation and developmental disabilities; any county board of 867
mental retardation and developmental disabilities; any entity 868

under contract with a county board of mental retardation and 869
developmental disabilities; the chief administrator of any 870
chartered nonpublic school; the chief administrator of any home 871
health agency; the chief administrator of or person operating any 872
child day-care center, type A family day-care home, or type B 873
family day-care home licensed or certified under Chapter 5104. of 874
the Revised Code; the administrator of any type C family day-care 875
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 876
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 877
general assembly; the chief administrator of any head start 878
agency; or the executive director of a public children services 879
agency may request that the superintendent of the bureau 880
investigate and determine, with respect to any individual who has 881
applied for employment in any position after October 2, 1989, or 882
any individual wishing to apply for employment with a board of 883
education may request, with regard to the individual, whether the 884
bureau has any information gathered under division (A) of this 885
section that pertains to that individual. On receipt of the 886
request, the superintendent shall determine whether that 887
information exists and, upon request of the person, board, or 888
entity requesting information, also shall request from the federal 889
bureau of investigation any criminal records it has pertaining to 890
that individual. The superintendent or the superintendent's 891
designee also may request criminal history records from other 892
states or the federal government pursuant to the national crime 893
prevention and privacy compact set forth in section 109.571 of the 894
Revised Code. Within thirty days of the date that the 895
superintendent receives a request, the superintendent shall send 896
to the board, entity, or person a report of any information that 897
the superintendent determines exists, including information 898
contained in records that have been sealed under section 2953.32 899
of the Revised Code, and, within thirty days of its receipt, shall 900
send the board, entity, or person a report of any information 901

received from the federal bureau of investigation, other than 902
information the dissemination of which is prohibited by federal 903
law. 904

(b) When a board of education is required to receive 905
information under this section as a prerequisite to employment of 906
an individual pursuant to section 3319.39 of the Revised Code, it 907
may accept a certified copy of records that were issued by the 908
bureau of criminal identification and investigation and that are 909
presented by an individual applying for employment with the 910
district in lieu of requesting that information itself. In such a 911
case, the board shall accept the certified copy issued by the 912
bureau in order to make a photocopy of it for that individual's 913
employment application documents and shall return the certified 914
copy to the individual. In a case of that nature, a district only 915
shall accept a certified copy of records of that nature within one 916
year after the date of their issuance by the bureau. 917

(3) The state board of education may request, with respect to 918
any individual who has applied for employment after October 2, 919
1989, in any position with the state board or the department of 920
education, any information that a school district board of 921
education is authorized to request under division (F)(2) of this 922
section, and the superintendent of the bureau shall proceed as if 923
the request has been received from a school district board of 924
education under division (F)(2) of this section. 925

(4) When the superintendent of the bureau receives a request 926
for information under section 3319.291 of the Revised Code, the 927
superintendent shall proceed as if the request has been received 928
from a school district board of education under division (F)(2) of 929
this section. 930

(5) When a recipient of a classroom reading improvement grant 931
paid under section 3301.86 of the Revised Code requests, with 932

respect to any individual who applies to participate in providing 933
any program or service funded in whole or in part by the grant, 934
the information that a school district board of education is 935
authorized to request under division (F)(2)(a) of this section, 936
the superintendent of the bureau shall proceed as if the request 937
has been received from a school district board of education under 938
division (F)(2)(a) of this section. 939

(G) In addition to or in conjunction with any request that is 940
required to be made under section ~~173.41~~, 3701.881, 3712.09, 941
3721.121, or 3722.151 of the Revised Code with respect to an 942
individual who has applied for employment in a position that 943
involves providing direct care to an older adult, the chief 944
administrator of a ~~PASSPORT~~ agency that ~~provides services through~~ 945
~~the PASSPORT program created under section 173.40 of the Revised~~ 946
~~Code~~, home health agency, hospice care program, home licensed 947
under Chapter 3721. of the Revised Code, adult day-care program 948
operated pursuant to rules adopted under section 3721.04 of the 949
Revised Code, or adult care facility may request that the 950
superintendent of the bureau investigate and determine, with 951
respect to any individual who has applied after January 27, 1997, 952
for employment in a position that does not involve providing 953
direct care to an older adult, whether the bureau has any 954
information gathered under division (A) of this section that 955
pertains to that individual. ~~On~~ 956

In addition to or in conjunction with any request that is 957
required to be made under section 173.27 of the Revised Code with 958
respect to an individual who has applied for employment in a 959
position that involves providing ombudsperson services to 960
residents of long-term care facilities or recipients of 961
community-based long-term care services, the state long-term care 962
ombudsperson, ombudsperson's designee, or director of health may 963
request that the superintendent investigate and determine, with 964

respect to any individual who has applied for employment in a position that does not involve providing such ombudsperson services, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

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

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On receipt of ~~the~~ a request under this division, the superintendent shall determine whether that information exists and, on request of the ~~administrator~~ individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to ~~that individual~~ the applicant. The superintendent or the superintendent's designee also 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. Within thirty days of the date a request is received, the superintendent shall send to the ~~administrator~~ requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the ~~administrator~~ requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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(H) Information obtained by a ~~board, administrator,~~ 997
government entity or ~~other~~ person under this section is 998
confidential and shall not be released or disseminated. 999

(I) The superintendent may charge a reasonable fee for 1000
providing information or criminal records under division (F)(2) or 1001
(G) of this section. 1002

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1003
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 1004
5153.111 of the Revised Code, a completed form prescribed pursuant 1005
to division (C)(1) of this section, and a set of fingerprint 1006
impressions obtained in the manner described in division (C)(2) of 1007
this section, the superintendent of the bureau of criminal 1008
identification and investigation shall conduct a criminal records 1009
check in the manner described in division (B) of this section to 1010
determine whether any information exists that indicates that the 1011
person who is the subject of the request previously has been 1012
convicted of or pleaded guilty to any of the following: 1013

(a) A violation of section 2903.01, 2903.02, 2903.03, 1014
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1015
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1016
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1017
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1018
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1019
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1020
2925.06, or 3716.11 of the Revised Code, felonious sexual 1021
penetration in violation of former section 2907.12 of the Revised 1022
Code, a violation of section 2905.04 of the Revised Code as it 1023
existed prior to July 1, 1996, a violation of section 2919.23 of 1024
the Revised Code that would have been a violation of section 1025
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1026
had the violation been committed prior to that date, or a 1027

violation of section 2925.11 of the Revised Code that is not a 1028
minor drug possession offense; 1029

(b) A violation of an existing or former law of this state, 1030
any other state, or the United States that is substantially 1031
equivalent to any of the offenses listed in division (A)(1)(a) of 1032
this section. 1033

(2) On receipt of a request pursuant to section 5123.081 of 1034
the Revised Code with respect to an applicant for employment in 1035
any position with the department of mental retardation and 1036
developmental disabilities, pursuant to section 5126.28 of the 1037
Revised Code with respect to an applicant for employment in any 1038
position with a county board of mental retardation and 1039
developmental disabilities, or pursuant to section 5126.281 of the 1040
Revised Code with respect to an applicant for employment in a 1041
direct services position with an entity contracting with a county 1042
board for employment, a completed form prescribed pursuant to 1043
division (C)(1) of this section, and a set of fingerprint 1044
impressions obtained in the manner described in division (C)(2) of 1045
this section, the superintendent of the bureau of criminal 1046
identification and investigation shall conduct a criminal records 1047
check. The superintendent shall conduct the criminal records check 1048
in the manner described in division (B) of this section to 1049
determine whether any information exists that indicates that the 1050
person who is the subject of the request has been convicted of or 1051
pleaded guilty to any of the following: 1052

(a) A violation of section 2903.01, 2903.02, 2903.03, 1053
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1054
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1055
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1056
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1057
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1058
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1059

2925.03, or 3716.11 of the Revised Code; 1060

(b) An existing or former municipal ordinance or law of this 1061
state, any other state, or the United States that is substantially 1062
equivalent to any of the offenses listed in division (A)(2)(a) of 1063
this section. 1064

(3) On receipt of a request pursuant to section ~~173.41~~ 1065
173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised 1066
Code, a completed form prescribed pursuant to division (C)(1) of 1067
this section, and a set of fingerprint impressions obtained in the 1068
manner described in division (C)(2) of this section, the 1069
superintendent of the bureau of criminal identification and 1070
investigation shall conduct a criminal records check with respect 1071
to any person who has applied for employment in a position ~~that~~ 1072
~~involves providing direct care to an older adult~~ for which a 1073
criminal records check is required by those sections. The 1074
superintendent shall conduct the criminal records check in the 1075
manner described in division (B) of this section to determine 1076
whether any information exists that indicates that the person who 1077
is the subject of the request previously has been convicted of or 1078
pleaded guilty to any of the following: 1079

(a) A violation of section 2903.01, 2903.02, 2903.03, 1080
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1081
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1082
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1083
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1084
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1085
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1086
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1087
2925.22, 2925.23, or 3716.11 of the Revised Code; 1088

(b) An existing or former law of this state, any other state, 1089
or the United States that is substantially equivalent to any of 1090

the offenses listed in division (A)(3)(a) of this section. 1091

(4) On receipt of a request pursuant to section 3701.881 of 1092
the Revised Code with respect to an applicant for employment with 1093
a home health agency as a person responsible for the care, 1094
custody, or control of a child, a completed form prescribed 1095
pursuant to division (C)(1) of this section, and a set of 1096
fingerprint impressions obtained in the manner described in 1097
division (C)(2) of this section, the superintendent of the bureau 1098
of criminal identification and investigation shall conduct a 1099
criminal records check. The superintendent shall conduct the 1100
criminal records check in the manner described in division (B) of 1101
this section to determine whether any information exists that 1102
indicates that the person who is the subject of the request 1103
previously has been convicted of or pleaded guilty to any of the 1104
following: 1105

(a) A violation of section 2903.01, 2903.02, 2903.03, 1106
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1107
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1108
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1109
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1110
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1111
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1112
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1113
violation of section 2925.11 of the Revised Code that is not a 1114
minor drug possession offense; 1115

(b) An existing or former law of this state, any other state, 1116
or the United States that is substantially equivalent to any of 1117
the offenses listed in division (A)(4)(a) of this section. 1118

(5) On receipt of a request pursuant to section 5111.95 or 1119
5111.96 of the Revised Code with respect to an applicant for 1120
employment with a waiver agency participating in a department of 1121

job and family services administered home and community-based 1122
waiver program or an independent provider participating in a 1123
department administered home and community-based waiver program in 1124
a position that involves providing home and community-based waiver 1125
services to consumers with disabilities, a completed form 1126
prescribed pursuant to division (C)(1) of this section, and a set 1127
of fingerprint impressions obtained in the manner described in 1128
division (C)(2) of this section, the superintendent of the bureau 1129
of criminal identification and investigation shall conduct a 1130
criminal records check. The superintendent shall conduct the 1131
criminal records check in the manner described in division (B) of 1132
this section to determine whether any information exists that 1133
indicates that the person who is the subject of the request 1134
previously has been convicted of or pleaded guilty to any of the 1135
following: 1136

(a) A violation of section 2903.01, 2903.02, 2903.03, 1137
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1138
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1139
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1140
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1141
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1142
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1143
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1144
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1145
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1146
Revised Code, felonious sexual penetration in violation of former 1147
section 2907.12 of the Revised Code, a violation of section 1148
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1149
violation of section 2919.23 of the Revised Code that would have 1150
been a violation of section 2905.04 of the Revised Code as it 1151
existed prior to July 1, 1996, had the violation been committed 1152
prior to that date; 1153

(b) An existing or former law of this state, any other state, 1154
or the United States that is substantially equivalent to any of 1155
the offenses listed in division (A)(5)(a) of this section. 1156

(6) On receipt of a request pursuant to section 3701.881 of 1157
the Revised Code with respect to an applicant for employment with 1158
a home health agency in a position that involves providing direct 1159
care to an older adult, a completed form prescribed pursuant to 1160
division (C)(1) of this section, and a set of fingerprint 1161
impressions obtained in the manner described in division (C)(2) of 1162
this section, the superintendent of the bureau of criminal 1163
identification and investigation shall conduct a criminal records 1164
check. The superintendent shall conduct the criminal records check 1165
in the manner described in division (B) of this section to 1166
determine whether any information exists that indicates that the 1167
person who is the subject of the request previously has been 1168
convicted of or pleaded guilty to any of the following: 1169

(a) A violation of section 2903.01, 2903.02, 2903.03, 1170
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1171
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1172
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1173
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1174
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1175
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1176
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1177
2925.22, 2925.23, or 3716.11 of the Revised Code; 1178

(b) An existing or former law of this state, any other state, 1179
or the United States that is substantially equivalent to any of 1180
the offenses listed in division (A)(6)(a) of this section. 1181

(7) When conducting a criminal records check upon a request 1182
pursuant to section 3319.39 of the Revised Code for an applicant 1183
who is a teacher, in addition to the determination made under 1184

division (A)(1) of this section, the superintendent shall 1185
determine whether any information exists that indicates that the 1186
person who is the subject of the request previously has been 1187
convicted of or pleaded guilty to any offense specified in section 1188
3319.31 of the Revised Code. 1189

(8) On a request pursuant to section 2151.86 of the Revised 1190
Code, a completed form prescribed pursuant to division (C)(1) of 1191
this section, and a set of fingerprint impressions obtained in the 1192
manner described in division (C)(2) of this section, the 1193
superintendent of the bureau of criminal identification and 1194
investigation shall conduct a criminal records check in the manner 1195
described in division (B) of this section to determine whether any 1196
information exists that indicates that the person who is the 1197
subject of the request previously has been convicted of or pleaded 1198
guilty to any of the following: 1199

(a) A violation of section 2903.01, 2903.02, 2903.03, 1200
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1201
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1202
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1203
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1204
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1205
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1206
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1207
violation of section 2905.04 of the Revised Code as it existed 1208
prior to July 1, 1996, a violation of section 2919.23 of the 1209
Revised Code that would have been a violation of section 2905.04 1210
of the Revised Code as it existed prior to July 1, 1996, had the 1211
violation been committed prior to that date, a violation of 1212
section 2925.11 of the Revised Code that is not a minor drug 1213
possession offense, or felonious sexual penetration in violation 1214
of former section 2907.12 of the Revised Code; 1215

(b) A violation of an existing or former law of this state, 1216

any other state, or the United States that is substantially 1217
equivalent to any of the offenses listed in division (A)(8)(a) of 1218
this section. 1219

(9) When conducting a criminal records check on a request 1220
pursuant to section 5104.013 of the Revised Code for a person who 1221
is an owner, licensee, or administrator of a child day-care center 1222
or type A family day-care home or an authorized provider of a 1223
certified type B family day-care home, the superintendent, in 1224
addition to the determination made under division (A)(1) of this 1225
section, shall determine whether any information exists that 1226
indicates that the person has been convicted of or pleaded guilty 1227
to any of the following: 1228

(a) A violation of section 2913.02, 2913.03, 2913.04, 1229
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1230
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1231
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1232
2921.13, or 2923.01 of the Revised Code, a violation of section 1233
2923.02 or 2923.03 of the Revised Code that relates to a crime 1234
specified in this division or division (A)(1)(a) of this section, 1235
or a second violation of section 4511.19 of the Revised Code 1236
within five years of the date of application for licensure or 1237
certification. 1238

(b) A violation of an existing or former law of this state, 1239
any other state, or the United States that is substantially 1240
equivalent to any of the offenses or violations described in 1241
division (A)(9)(a) of this section. 1242

(10) On receipt of a request for a criminal records check 1243
from an individual pursuant to section 4749.03 or 4749.06 of the 1244
Revised Code, accompanied by a completed copy of the form 1245
prescribed in division (C)(1) of this section and a set of 1246
fingerprint impressions obtained in a manner described in division 1247

(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, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a

tangible format, in an electronic format, or in both tangible and 1311
electronic formats. 1312

(2) The superintendent shall prescribe standard impression 1313
sheets to obtain the fingerprint impressions of any person for 1314
whom a criminal records check is required by section 121.08, 1315
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1316
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1317
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1318
5153.111 of the Revised Code. Any person for whom a records check 1319
is required by any of those sections shall obtain the fingerprint 1320
impressions at a county sheriff's office, municipal police 1321
department, or any other entity with the ability to make 1322
fingerprint impressions on the standard impression sheets 1323
prescribed by the superintendent. The office, department, or 1324
entity may charge the person a reasonable fee for making the 1325
impressions. The standard impression sheets the superintendent 1326
prescribes pursuant to this division may be in a tangible format, 1327
in an electronic format, or in both tangible and electronic 1328
formats. 1329

(3) Subject to division (D) of this section, the 1330
superintendent shall prescribe and charge a reasonable fee for 1331
providing a criminal records check requested under section 121.08, 1332
~~173.41~~ 173.27, 173.394, 2151.86, 3301.32, 3301.541, 3319.39, 1333
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 1334
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1335
5153.111 of the Revised Code. The person making a criminal records 1336
request under section 121.08, ~~173.41~~ 173.27, 173.394, 2151.86, 1337
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1338
4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1339
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1340
fee prescribed pursuant to this division. A person making a 1341
request under section 3701.881 of the Revised Code for a criminal 1342

records check for an applicant who may be both responsible for the 1343
care, custody, or control of a child and involved in providing 1344
direct care to an older adult shall pay one fee for the request. 1345

(4) The superintendent of the bureau of criminal 1346
identification and investigation may prescribe methods of 1347
forwarding fingerprint impressions and information necessary to 1348
conduct a criminal records check, which methods shall include, but 1349
not be limited to, an electronic method. 1350

(D) A determination whether any information exists that 1351
indicates that a person previously has been convicted of or 1352
pleaded guilty to any offense listed or described in division 1353
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1354
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 1355
or (A)(9)(a) or (b) of this section that is made by the 1356
superintendent with respect to information considered in a 1357
criminal records check in accordance with this section is valid 1358
for the person who is the subject of the criminal records check 1359
for a period of one year from the date upon which the 1360
superintendent makes the determination. During the period in which 1361
the determination in regard to a person is valid, if another 1362
request under this section is made for a criminal records check 1363
for that person, the superintendent shall provide the information 1364
that is the basis for the superintendent's initial determination 1365
at a lower fee than the fee prescribed for the initial criminal 1366
records check. 1367

(E) As used in this section: 1368

(1) "Criminal records check" means any criminal records check 1369
conducted by the superintendent of the bureau of criminal 1370
identification and investigation in accordance with division (B) 1371
of this section. 1372

(2) "Home and community-based waiver services" and "waiver 1373

agency" have the same meanings as in section 5111.95 of the Revised Code. 1374
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(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code. 1376
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(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 1378
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(5) "Older adult" means a person age sixty or older. 1380

Sec. 113.09. Except as provided in section 113.10 of the Revised Code, all moneys deposited with the treasurer of state, the disposition of which is not otherwise provided for by law, shall be credited to the general revenue fund, which is hereby created in the state treasury. If a warrant for the payment of money from the state treasury has been illegally or improperly issued ~~by the auditor of state~~, or the amount of a warrant ~~issued by him~~ exceeds the sum ~~which~~ that should have been named therein, and payment of such warrant or excess has been made by the treasurer of state, the director of budget and management shall, unless the account of the appropriation from which it was paid has been closed, credit the amount collected to such appropriation; but, if such account has been closed, ~~he~~ the director shall credit the amount so collected to the fund on which the warrant was originally drawn. 1381
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All investment earnings on moneys deposited in the state treasury shall be credited to the general revenue fund unless: 1396
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(A) The disposition of the earnings is otherwise provided for by law; 1398
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(B) The director ~~of budget and management~~ has provided in the plan approved under section 131.36 of the Revised Code that a different fund is entitled to the earnings. 1400
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Sec. 113.11. No money shall be paid out of the state treasury 1403
or transferred elsewhere except on the warrant of the ~~auditor of~~ 1404
~~state~~ director of budget and management. No money shall be paid 1405
out of a custodial fund of the treasurer of state except on proper 1406
order to the treasurer of state by the officer authorized by law 1407
to pay money out of the fund. 1408

The treasurer of state shall adopt rules prescribing the form 1409
and manner in which money may be paid out of the state treasury or 1410
a custodial fund of the treasurer of state. 1411

Sec. 113.12. The treasurer of state, on presentation, shall 1412
pay all warrants drawn on ~~him~~ the treasurer of state by the 1413
~~auditor of state~~ director of budget and management. At least once 1414
each month the treasurer of state shall surrender to the ~~auditor~~ 1415
~~of state~~ director all warrants the treasurer of state has paid and 1416
shall accept the receipt of the ~~auditor of state~~ director 1417
therefor. The receipt shall be held by the treasurer of state in 1418
place of such warrants and as evidence of their payment until an 1419
audit of the state treasury and the custodial funds of the 1420
treasurer of state has been completed. 1421

Sec. 120.36. (A) ~~¶~~ (1) Subject to division (A)(2), (3), (4), 1422
(5), or (6) of this section, if a person who is a defendant in a 1423
criminal case or a party in a case in juvenile court requests or 1424
is provided a state public defender, a county or joint county 1425
public defender, or any other counsel appointed by the court, the 1426
court in which the criminal case is initially filed or the 1427
juvenile court, whichever is applicable, shall assess, unless the 1428
application fee is waived or reduced, a non-refundable application 1429
fee of twenty-five dollars. 1430

The court shall direct the person to pay the application fee 1431
to the clerk of court. The person shall pay the application fee to 1432

the clerk of court at the time the person files an affidavit of 1433
indigency or a financial disclosure form with the court, a state 1434
public defender, a county or joint county public defender, or any 1435
other counsel appointed by the court or within seven days of that 1436
date. If the person does not pay the application fee within that 1437
seven-day period, the court shall assess the application fee at 1438
sentencing or at the final disposition of the case. 1439

~~If a case involving a felony that was initially filed in a 1440
municipal court or a county court is bound over to the court of 1441
common pleas and the defendant in the case failed to pay the 1442
application fee in the municipal court or county court, the court 1443
of common pleas shall assess the application fee at the initial 1444
appearance of the defendant in the court of common pleas. If a 1445
case involving an alleged delinquent child is transferred to the 1446
court of common pleas for prosecution of the involved child as an 1447
adult and if the involved child failed to pay the fee in the 1448
juvenile court, the court of common pleas shall assess the 1449
application fee at the initial appearance of the child in the 1450
court of common pleas.~~ 1451

(2) For purposes of this section, a criminal case includes 1452
any case involving a violation of any provision of the Revised 1453
Code or of an ordinance of a municipal corporation for which the 1454
potential penalty includes loss of liberty and includes any 1455
contempt proceeding in which a court may impose a term of 1456
imprisonment. 1457

(3) In a juvenile court proceeding, the court shall not 1458
assess the application fee against a child if the court appoints a 1459
guardian ad litem for the child or the court appoints an attorney 1460
to represent the child at the request of a guardian ad litem. 1461

(4) The court shall not assess an application fee for a 1462
postconviction proceeding or when the defendant files an appeal. 1463

(5)(a) Except when the court assesses an application fee pursuant to division (A)(5)(b) of this section, the court shall assess an application fee when a person is charged with a violation of a community control sanction or a violation of a post-release control sanction. 1464
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(b) If a charge of violating a community control sanction or post-release control sanction described in division (A)(5)(a) of this section results in a person also being charged with violating any provision of the Revised Code or an ordinance of a municipal corporation, the court shall only assess an application fee for the case that results from the additional charge. 1469
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(6) If a case is transferred from one court to another court and the person failed to pay the application fee to the court that initially assessed the application fee, the court that initially assessed the fee shall remove the assessment, and the court to which the case was transferred shall assess the application fee. 1475
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(7) The court shall assess an application fee pursuant to this section one time per case. ~~An appeal shall not be considered a separate case for the purpose of assessing the application fee~~ For purposes of assessing the application fee, a case means one complete proceeding or trial held in one court for a person on an indictment, information, complaint, petition, citation, writ, motion, or other document initiating a case that arises out of a single incident or a series of related incidents, or when one individual is charged with two or more offenses that the court handles simultaneously. The court may waive or reduce the fee for a specific person in a specific case upon a finding that the person lacks financial resources that are sufficient to pay the fee or that payment of the fee would result in an undue hardship. 1480
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(B) No court, state public defender, county or joint county public defender, or other counsel appointed by the court shall 1493
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deny a person the assistance of counsel solely due to the person's 1495
failure to pay the application fee assessed pursuant to division 1496
(A) of this section. A person's present inability, failure, or 1497
refusal to pay the application fee shall not disqualify that 1498
person from legal representation. 1499

(C) The application fee assessed pursuant to division (A) of 1500
this section is separate from and in addition to any other amount 1501
assessed against a person who is found to be able to contribute 1502
toward the cost of the person's legal representation pursuant to 1503
division (D) of section 2941.51 of the Revised Code. 1504

(D) The clerk of the court that assessed the fees shall 1505
forward all application fees collected pursuant to this section to 1506
the county treasurer for deposit in the county treasury. The 1507
county shall retain eighty per cent of the application fees so 1508
collected to offset the costs of providing legal representation to 1509
indigent persons. ~~Each~~ Not later than the last day of each month, 1510
the county auditor shall remit twenty per cent of the application 1511
fees so collected in the previous month to the state public 1512
defender. The state public defender shall deposit the remitted 1513
fees into the state treasury to the credit of the client payment 1514
fund created pursuant to division (B)(5) of section 120.04 of the 1515
Revised Code. The state public defender may use that money in 1516
accordance with that section. 1517

(E) On or before the ~~first day of March of each year~~ 1518
twentieth day of each month beginning in February of the year 1519
2007, each clerk of court shall provide to the state public 1520
defender ~~and the state auditor~~ a report including all of the 1521
following: 1522

(1) The number of persons in the previous ~~calendar year~~ month 1523
who requested or were provided a state public defender, county or 1524
joint county public defender, or other counsel appointed by the 1525

court;	1526
(2) The number of persons in the previous ealendar year <u>month</u>	1527
for whom the court waived the application fee pursuant to division	1528
(A) of this section;	1529
(3) The dollar value of the assessed application fees	1530
assessed pursuant to division (A) of this section in the previous	1531
ealendar year <u>month</u> ;	1532
(4) The amount of assessed application fees collected in the	1533
previous ealendar year <u>month</u> ;	1534
(5) The balance of unpaid assessed application fees at the	1535
open and close of the previous ealendar year <u>month</u> .	1536
(F) As used in this section:	1537
(1) "Clerk of court" means the clerk of the court of common	1538
pleas of the county, the clerk of the juvenile court of the	1539
county, <u>the clerk of the domestic relations division of the court</u>	1540
<u>of common pleas of the county, the clerk of the probate court of</u>	1541
<u>the county</u> , the clerk of a municipal court in the county, the	1542
clerk of a county-operated municipal court, or the clerk of a	1543
county court in the county, whichever is applicable.	1544
(2) "County-operated municipal court" has the same meaning as	1545
in section 1901.03 of the Revised Code.	1546
Sec. 120.52. There is hereby established in the state	1547
treasury the legal aid fund, which shall be for the charitable	1548
public purpose of providing financial assistance to legal aid	1549
societies that provide civil legal services to indigents. The fund	1550
shall contain all funds credited to it by the treasurer of state	1551
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231,	1552
4705.09, and 4705.10 of the Revised Code and income from	1553
investment credited to it by the treasurer of state in accordance	1554
with this section.	1555

The treasurer of state may invest moneys contained in the 1556
legal aid fund in any manner authorized by the Revised Code for 1557
the investment of state moneys. However, no such investment shall 1558
interfere with any apportionment, allocation, or payment of moneys 1559
~~in January and July of each calendar year,~~ as required by section 1560
120.53 of the Revised Code. ~~All income earned as a result of any~~ 1561
~~such investment shall be credited to the fund.~~ 1562

The state public defender, through the Ohio legal assistance 1563
foundation, shall administer the payment of moneys out of the 1564
fund. Four and one-half per cent of the moneys in the fund shall 1565
be reserved for the actual, reasonable costs of administering 1566
sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 1567
3953.231, 4705.09, and 4705.10 of the Revised Code. Moneys that 1568
are reserved for administrative costs but that are not used for 1569
actual, reasonable administrative costs shall be set aside for use 1570
in the manner described in division (A) of section 120.521 of the 1571
Revised Code. The remainder of the moneys in the legal aid fund 1572
shall be distributed in accordance with section 120.53 of the 1573
Revised Code. The Ohio legal assistance foundation shall 1574
establish, in accordance with Chapter 119. of the Revised Code, 1575
rules governing the administration of the legal aid fund, 1576
including the programs established under sections 1901.26, 1577
1907.24, 2303.201, 4705.09, and 4705.10 of the Revised Code 1578
regarding interest on interest-bearing trust accounts of an 1579
attorney, law firm, or legal professional association. 1580

Sec. 120.521. (A) The state public defender shall establish a 1581
charitable, tax exempt foundation, named the Ohio legal assistance 1582
foundation, to actively solicit and accept gifts, bequests, 1583
donations, and contributions for use in providing financial 1584
assistance to legal aid societies, enhancing or improving the 1585
delivery of civil legal services to indigents, and operating the 1586

foundation. The Ohio legal assistance foundation shall deposit all 1587
gifts, bequests, donations, and contributions accepted by it into 1588
the legal assistance foundation fund established under this 1589
section. If the state public defender, pursuant to section 120.52 1590
of the Revised Code as it existed prior to the effective date of 1591
this section, established a charitable, tax exempt foundation 1592
named the Ohio legal assistance foundation and if that foundation 1593
is in existence on the day before the effective date of this 1594
section, that foundation shall continue in existence and shall 1595
serve as the Ohio legal assistance foundation described in this 1596
section. 1597

There is hereby established the legal assistance foundation 1598
fund, which shall be under the custody and control of the Ohio 1599
legal assistance foundation. The fund shall contain all moneys 1600
distributed to the Ohio legal assistance foundation pursuant to 1601
section 120.53 of the Revised Code and all gifts, bequests, 1602
donations, and contributions accepted by the Ohio legal assistance 1603
foundation under this section. 1604

The Ohio legal assistance foundation shall distribute or use 1605
all moneys in the legal assistance foundation fund for the 1606
charitable public purpose of providing financial assistance to 1607
legal aid societies that provide civil legal services to 1608
indigents, enhancing or improving the delivery of civil legal 1609
services to indigents, and operating the foundation. The Ohio 1610
legal assistance foundation shall establish rules governing the 1611
administration of the legal assistance foundation fund. 1612

The Ohio legal assistance foundation shall include, in the 1613
annual report it is required to make to the governor, the general 1614
assembly, and the supreme court pursuant to division (G)(2) of 1615
section 120.53 of the Revised Code, an audited financial statement 1616
on the distribution and use of the legal assistance foundation 1617
fund. No information contained in the statement shall identify or 1618

enable the identification of any person served by a legal aid society or in any way breach confidentiality. 1619
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(B) A foundation is tax exempt for purposes of this section 1621
if the foundation is exempt from federal income taxation under 1622
subsection 501(a) of the "Internal Revenue Code of 1986," 100 1623
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 1624
has received from the internal revenue service a determination 1625
letter that is in effect stating that the foundation is exempt 1626
from federal income taxation under that subsection. 1627

Sec. 120.53. (A) A legal aid society that operates within the 1628
state may apply to the Ohio legal assistance foundation for 1629
financial assistance from the legal aid fund established by 1630
section 120.52 of the Revised Code to be used for the funding of 1631
the society during the calendar year following the calendar year 1632
in which application is made. 1633

(B) An application for financial assistance made under 1634
division (A) of this section shall be submitted by the first day 1635
of November of the calendar year preceding the calendar year for 1636
which financial assistance is desired and shall include all of the 1637
following: 1638

(1) Evidence that the applicant is incorporated in this state 1639
as a nonprofit corporation; 1640

(2) A list of the trustees of the applicant; 1641

(3) The proposed budget of the applicant for these funds for 1642
the following calendar year; 1643

(4) A summary of the services to be offered by the applicant 1644
in the following calendar year; 1645

(5) A specific description of the territory or constituency 1646
served by the applicant; 1647

(6) An estimate of the number of persons to be served by the applicant during the following calendar year; 1648
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(7) A general description of the additional sources of the applicant's funding; 1650
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(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; 1652
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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. 1656
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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. 1662
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(D) The Ohio legal assistance foundation shall allocate 1678

moneys contained in the legal aid fund ~~twice each year~~ monthly for 1679
distribution to applicants that filed their applications in the 1680
previous calendar year and ~~were~~ are determined to be eligible 1681
applicants. 1682

All moneys contained in the fund on the first day of ~~January~~ 1683
~~of a calendar year~~ each month shall be allocated, after deduction 1684
of the costs of administering sections 120.51 to 120.55 and 1685
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 1686
4705.10 of the Revised Code that are authorized by section 120.52 1687
of the Revised Code, according to this section and shall be 1688
distributed accordingly ~~on the thirty first day of January of that~~ 1689
~~calendar year, and all moneys contained in the fund on the first~~ 1690
~~day of July of that calendar year shall be allocated, after~~ 1691
~~deduction of the costs of administering those sections that are~~ 1692
~~authorized by section 120.52 of the Revised Code, according to~~ 1693
~~this section and shall be distributed accordingly on the~~ 1694
~~thirty first day of July of that calendar year~~ not later than the 1695
last day of the month following the month the moneys were 1696
received. In making the allocations under this section, the moneys 1697
in the fund that were generated pursuant to sections 1901.26, 1698
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 1699
Code ~~and all income generated from the investment of such moneys~~ 1700
shall be apportioned as follows: 1701

(1) After deduction of the amount authorized and used for 1702
actual, reasonable administrative costs under section 120.52 of 1703
the Revised Code: 1704

(a) Five per cent of the moneys remaining in the fund shall 1705
be reserved for use in the manner described in division (A) of 1706
section 120.521 of the Revised Code or for distribution to legal 1707
aid societies that provide assistance to special population groups 1708
of their eligible clients, engage in special projects that have a 1709
substantial impact on their local service area or on significant 1710

segments of the state's poverty population, or provide legal 1711
training or support to other legal aid societies in the state; 1712

(b) After deduction of the amount described in division 1713
(D)(1)(a) of this section, one and three-quarters per cent of the 1714
moneys remaining in the fund shall be apportioned among entities 1715
that received financial assistance from the legal aid fund prior 1716
to the effective date of this amendment but that, on and after the 1717
effective date of this amendment, no longer qualify as a legal aid 1718
society that is eligible for financial assistance under this 1719
section. 1720

(c) After deduction of the amounts described in divisions 1721
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 1722
remaining in the fund shall be placed in the legal assistance 1723
foundation fund for use in the manner described in division (A) of 1724
section 120.521 of the Revised Code. 1725

(2) After deduction of the actual, reasonable administrative 1726
costs under section 120.52 of the Revised Code and after deduction 1727
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 1728
this section, the remaining moneys shall be apportioned among the 1729
counties that are served by eligible legal aid societies that have 1730
applied for financial assistance under this section so that each 1731
such county is apportioned a portion of those moneys, based upon 1732
the ratio of the number of indigents who reside in that county to 1733
the total number of indigents who reside in all counties of this 1734
state that are served by eligible legal aid societies that have 1735
applied for financial assistance under this section. Subject to 1736
division (E) of this section, the moneys apportioned to a county 1737
under this division then shall be allocated to the eligible legal 1738
aid society that serves the county and that has applied for 1739
financial assistance under this section. For purposes of this 1740
division, the source of data identifying the number of indigent 1741
persons who reside in a county shall be the most recent decennial 1742

census figures from the United States department of commerce, 1743
division of census. 1744

(E) If the Ohio legal assistance foundation, in attempting to 1745
make an allocation of moneys under division (D)(2) of this 1746
section, determines that a county that has been apportioned money 1747
under that division is served by more than one eligible legal aid 1748
society that has applied for financial assistance under this 1749
section, the Ohio legal assistance foundation shall allocate the 1750
moneys that have been apportioned to that county under division 1751
(D)(2) of this section among all eligible legal aid societies that 1752
serve that county and that have applied for financial assistance 1753
under this section on a pro rata basis, so that each such eligible 1754
society is allocated a portion based upon the amount of its total 1755
budget expended in the prior calendar year for legal services in 1756
that county as compared to the total amount expended in the prior 1757
calendar year for legal services in that county by all eligible 1758
legal aid societies that serve that county and that have applied 1759
for financial assistance under this section. 1760

(F) Moneys allocated to eligible applicants under this 1761
section shall be paid ~~twice annually, on the thirty first day of~~ 1762
~~January and on the thirty first day of July of~~ monthly beginning 1763
the calendar year following the calendar year in which the 1764
application is filed. 1765

(G)(1) A legal aid society that receives financial assistance 1766
in any calendar year under this section shall file an annual 1767
report with the Ohio legal assistance foundation detailing the 1768
number and types of cases handled, and the amount and types of 1769
legal training, legal technical assistance, and other service 1770
provided, by means of that financial assistance. No information 1771
contained in the report shall identify or enable the 1772
identification of any person served by the legal aid society or in 1773
any way breach client confidentiality. 1774

(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. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction and the directors of youth services, job and family services, mental health, health, alcohol and drug addiction services, mental retardation and developmental disabilities, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.

(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.

In seeking to fulfill its purpose, the council may do any of the following:

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

- (b) Advise and assess local governments on the coordination of service delivery to children; 1805
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- (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; 1807
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- (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; 1811
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- (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; 1814
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- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 1819
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- (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 provisions regarding the receipt, transfer, and expenditure of funds; 1821
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- (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; 1826
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- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 1830
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- (j) Identify and disseminate publications regarding alleged 1834

or adjudicated unruly children and children who are at risk of 1835
being alleged or adjudicated unruly children and regarding 1836
programs serving those types of children; 1837

(k) Maintain an inventory of strategic planning facilitators 1838
for use by government or nonprofit entities that serve alleged or 1839
adjudicated unruly children or children who are at risk of being 1840
alleged or adjudicated unruly children. 1841

(3) The cabinet council shall provide for the following: 1842

(a) Reviews of service and treatment plans for children for 1843
which such reviews are requested; 1844

(b) Assistance as the council determines to be necessary to 1845
meet the needs of children referred by county family and children 1846
first councils; 1847

(c) Monitoring and supervision of a statewide, comprehensive, 1848
coordinated, multi-disciplinary, interagency system for infants 1849
and toddlers with developmental disabilities or delays and their 1850
families, as established pursuant to federal grants received and 1851
administered by the department of health for early intervention 1852
services under the "Individuals with Disabilities Education Act of 1853
2004," 20 U.S.C.A. 1400, as amended. 1854

(B)(1) Each board of county commissioners shall establish a 1855
county family and children first council. The board may invite any 1856
local public or private agency or group that funds, advocates, or 1857
provides services to children and families to have a 1858
representative become a permanent or temporary member of its 1859
county council. Each county council must include the following 1860
individuals: 1861

(a) At least three individuals who are not employed by an 1862
agency represented on the council and whose families are or have 1863
received services from an agency represented on the council or 1864

another county's council. Where possible, the number of members
representing families shall be equal to twenty per cent of the
council's membership.

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

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

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

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

(f) The superintendent of the county board of mental
retardation and developmental disabilities;

(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;

(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;

(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;	1895 1896 1897
(j) A representative of the municipal corporation with the largest population in the county;	1898 1899
(k) The president of the board of county commissioners or an individual designated by the board;	1900 1901
(l) A representative of the regional office of the department of youth services;	1902 1903
(m) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	1904 1905
(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";	1906 1907 1908 1909
(o) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	1910 1911
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	1912 1913 1914 1915 1916 1917
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a	1918 1919 1920 1921 1922 1923 1924

county's board of county commissioners. 1925

(2) The purpose of the county council is to streamline and 1926
coordinate existing government services for families seeking 1927
services for their children. In seeking to fulfill its purpose, a 1928
county council shall provide for the following: 1929

(a) Referrals to the cabinet council of those children for 1930
whom the county council cannot provide adequate services; 1931

(b) Development and implementation of a process that annually 1932
evaluates and prioritizes services, fills service gaps where 1933
possible, and invents new approaches to achieve better results for 1934
families and children; 1935

(c) Participation in the development of a countywide, 1936
comprehensive, coordinated, multi-disciplinary, interagency system 1937
for infants and toddlers with developmental disabilities or delays 1938
and their families, as established pursuant to federal grants 1939
received and administered by the department of health for early 1940
intervention services under the "Education of the Handicapped Act 1941
Amendments of 1986"; 1942

(d) Maintenance of an accountability system to monitor the 1943
county council's progress in achieving results for families and 1944
children; 1945

(e) Establishment of a mechanism to ensure ongoing input from 1946
a broad representation of families who are receiving services 1947
within the county system. 1948

(3)(a) Except as provided in division (B)(3)(b) of this 1949
section, a county council shall comply with the policies, 1950
procedures, and activities prescribed by the rules or interagency 1951
agreements of a state department participating on the cabinet 1952
council whenever the county council performs a function subject to 1953
those rules or agreements. 1954

(b) On application of a county council, the cabinet council 1955
may grant an exemption from any rules or interagency agreements of 1956
a state department participating on the council if an exemption is 1957
necessary for the council to implement an alternative program or 1958
approach for service delivery to families and children. The 1959
application shall describe the proposed program or approach and 1960
specify the rules or interagency agreements from which an 1961
exemption is necessary. The cabinet council shall approve or 1962
disapprove the application in accordance with standards and 1963
procedures it shall adopt. If an application is approved, the 1964
exemption is effective only while the program or approach is being 1965
implemented, including a reasonable period during which the 1966
program or approach is being evaluated for effectiveness. 1967

(4)(a) Each county council shall designate an administrative 1968
agent for the council from among the following public entities: 1969
the board of alcohol, drug addiction, and mental health services, 1970
including a board of alcohol and drug addiction or a community 1971
mental health board if the county is served by separate boards; 1972
the board of county commissioners; any board of health of the 1973
county's city and general health districts; the county department 1974
of job and family services; the county agency responsible for the 1975
administration of children services pursuant to section 5153.15 of 1976
the Revised Code; the county board of mental retardation and 1977
developmental disabilities; any of the county's boards of 1978
education or governing boards of educational service centers; or 1979
the county's juvenile court. Any of the foregoing public entities, 1980
other than the board of county commissioners, may decline to serve 1981
as the council's administrative agent. 1982

A county council's administrative agent shall serve as the 1983
council's appointing authority for any employees of the council. 1984
The council shall file an annual budget with its administrative 1985
agent, with copies filed with the county auditor and with the 1986

board of county commissioners, unless the board is serving as the
council's administrative agent. The council's administrative agent
shall ensure that all expenditures are handled in accordance with
policies, procedures, and activities prescribed by state
departments in rules or interagency agreements that are applicable
to the council's functions.

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

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

(ii) As determined by the council, provide financial
stipends, reimbursements, or both, to family representatives for
expenses related to council activity;

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

(b)(i) If the county council designates the board of county
commissioners as its administrative agent, the board may, by

resolution, delegate any of its powers and duties as 2018
administrative agent to an executive committee the board 2019
establishes from the membership of the county council. The board 2020
shall name to the executive committee at least the individuals 2021
described in divisions (B)(1)(a) to (i) of this section and may 2022
appoint the president of the board or another individual as the 2023
chair of the executive committee. The executive committee must 2024
include at least one family county council representative who does 2025
not have a family member employed by an agency represented on the 2026
council. 2027

(ii) The executive committee may, with the approval of the 2028
board, hire an executive director to assist the county council in 2029
administering its powers and duties. The executive director shall 2030
serve in the unclassified civil service at the pleasure of the 2031
executive committee. The executive director may, with the approval 2032
of the executive committee, hire other employees as necessary to 2033
properly conduct the county council's business. 2034

(iii) The board may require the executive committee to submit 2035
an annual budget to the board for approval and may amend or repeal 2036
the resolution that delegated to the executive committee its 2037
authority as the county council's administrative agent. 2038

(5) Two or more county councils may enter into an agreement 2039
to administer their county councils jointly by creating a regional 2040
family and children first council. A regional council possesses 2041
the same duties and authority possessed by a county council, 2042
except that the duties and authority apply regionally rather than 2043
to individual counties. Prior to entering into an agreement to 2044
create a regional council, the members of each county council to 2045
be part of the regional council shall meet to determine whether 2046
all or part of the members of each county council will serve as 2047
members of the regional council. 2048

(6) A board of county commissioners may approve a resolution 2049
by a majority vote of the board's members that requires the county 2050
council to submit a statement to the board each time the council 2051
proposes to enter into an agreement, adopt a plan, or make a 2052
decision, other than a decision pursuant to section 121.38 of the 2053
Revised Code, that requires the expenditure of funds for two or 2054
more families. The statement shall describe the proposed 2055
agreement, plan, or decision. 2056

Not later than fifteen days after the board receives the 2057
statement, it shall, by resolution approved by a majority of its 2058
members, approve or disapprove the agreement, plan, or decision. 2059
Failure of the board to pass a resolution during that time period 2060
shall be considered approval of the agreement, plan, or decision. 2061

An agreement, plan, or decision for which a statement is 2062
required to be submitted to the board shall be implemented only if 2063
it is approved by the board. 2064

(C) Each county shall develop a county service coordination 2065
mechanism. The county service coordination mechanism shall serve 2066
as the guiding document for coordination of services in the 2067
county. For children who also receive services under the help me 2068
grow program, the service coordination mechanism shall be 2069
consistent with rules adopted by the department of health under 2070
section 3701.61 of the Revised Code. All family service 2071
coordination plans shall be developed in accordance with the 2072
county service coordination mechanism. The mechanism shall be 2073
developed and approved with the participation of the county 2074
entities representing child welfare; mental retardation and 2075
developmental disabilities; alcohol, drug addiction, and mental 2076
health services; health; juvenile judges; education; the county 2077
family and children first council; and the county early 2078
intervention collaborative established pursuant to the federal 2079
early intervention program operated under the "Education of the 2080

Handicapped Act Amendments of 1986." The county shall establish an
implementation schedule for the mechanism. The cabinet council may
monitor the implementation and administration of each county's
service coordination mechanism.

Each mechanism shall include all of the following:

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

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

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

(4) A procedure for ensuring that a family service
coordination plan meeting is conducted ~~before a non-emergency for~~
each child who receives service coordination under the mechanism
and for whom an emergency out-of-home placement for all multi-need
children, or has been made or for whom a nonemergency out-of-home
placement is being considered. The meeting shall be conducted
within ten days of a an emergency out-of-home placement for
~~emergency placements of multi-need children. The meeting shall be~~
conducted before a nonemergency out-of-home placement. The family
service coordination plan shall outline how the county council
members will jointly pay for services, where applicable, and
provide services in the least restrictive environment.

(5) A procedure for monitoring the progress and tracking the
outcomes of each service coordination plan requested in the county

including monitoring and tracking children in out-of-home 2112
placements to assure continued progress, appropriateness of 2113
placement, and continuity of care after discharge from placement 2114
with appropriate arrangements for housing, treatment, and 2115
education. 2116

(6) A procedure for protecting the confidentiality of all 2117
personal family information disclosed during service coordination 2118
meetings or contained in the comprehensive family service 2119
coordination plan. 2120

(7) A procedure for assessing the needs and strengths of any 2121
child or family that has been referred to the council for service 2122
coordination, including a child whose parent or custodian is 2123
voluntarily seeking services, and for ensuring that parents and 2124
custodians are afforded the opportunity to participate; 2125

(8) A procedure for development of a family service 2126
coordination plan described in division (D) of this section; 2127

(9) A local dispute resolution process to serve as the 2128
process that must be used first to resolve disputes among the 2129
agencies represented on the county council concerning the 2130
provision of services to children, including children who are 2131
abused, neglected, dependent, unruly, alleged unruly, or 2132
delinquent children and under the jurisdiction of the juvenile 2133
court and children whose parents or custodians are voluntarily 2134
seeking services. The local dispute resolution process shall 2135
comply with section 121.38 of the Revised Code. The local dispute 2136
resolution process shall be used to resolve disputes between a 2137
child's parents or custodians and the county council regarding 2138
service coordination. The county council shall inform the parents 2139
or custodians of their right to use the dispute resolution 2140
process. Parents or custodians shall use existing local agency 2141
grievance procedures to address disputes not involving service 2142

coordination. The dispute resolution process is in addition to and 2143
does not replace other rights or procedures that parents or 2144
custodians may have under other sections of the Revised Code. 2145

The cabinet council shall adopt rules in accordance with 2146
Chapter 119. of the Revised Code establishing an administrative 2147
review process to address problems that arise concerning the 2148
operation of a local dispute resolution process. 2149

Nothing in division (C)(4) of this section shall be 2150
interpreted as overriding or affecting decisions of a juvenile 2151
court regarding an out-of-home placement, long-term placement, or 2152
emergency out-of-home placement. 2153

(D) Each county shall develop a comprehensive family service 2154
coordination plan that does all of the following: 2155

(1) Designates service responsibilities among the various 2156
state and local agencies that provide services to children and 2157
their families, including children who are abused, neglected, 2158
dependent, unruly, or delinquent children and under the 2159
jurisdiction of the juvenile court and children whose parents or 2160
custodians are voluntarily seeking services; 2161

(2) Designates an individual, approved by the family, to 2162
track the progress of the family service coordination plan, 2163
schedule reviews as necessary, and facilitate the family service 2164
coordination plan meeting process; 2165

(3) Ensures that assistance and services to be provided are 2166
responsive to the strengths and needs of the family, as well as 2167
the family's culture, race, and ethnic group, by allowing the 2168
family to offer information and suggestions and participate in 2169
decisions. Identified assistance and services shall be provided in 2170
the least restrictive environment possible. 2171

(4) Includes a process for dealing with a child who is 2172

alleged to be an unruly child. The process shall include methods	2173
to divert the child from the juvenile court system;	2174
(5) Includes timelines for completion of goals specified in	2175
the plan with regular reviews scheduled to monitor progress toward	2176
those goals;	2177
(6) Includes a plan for dealing with short-term crisis	2178
situations and safety concerns.	2179
(E)(1) The process provided for under division (D)(4) of this	2180
section may include, but is not limited to, the following:	2181
(a) Designation of the person or agency to conduct the	2182
assessment of the child and the child's family as described in	2183
division (C)(7) of this section and designation of the instrument	2184
or instruments to be used to conduct the assessment;	2185
(b) An emphasis on the personal responsibilities of the child	2186
and the parental responsibilities of the parents, guardian, or	2187
custodian of the child;	2188
(c) Involvement of local law enforcement agencies and	2189
officials.	2190
(2) The method to divert a child from the juvenile court	2191
system that must be included in the service coordination process	2192
may include, but is not limited to, the following:	2193
(a) The preparation of a complaint under section 2151.27 of	2194
the Revised Code alleging that the child is an unruly child and	2195
notifying the child and the parents, guardian, or custodian that	2196
the complaint has been prepared to encourage the child and the	2197
parents, guardian, or custodian to comply with other methods to	2198
divert the child from the juvenile court system;	2199
(b) Conducting a meeting with the child, the parents,	2200
guardian, or custodian, and other interested parties to determine	2201
the appropriate methods to divert the child from the juvenile	2202

court system;	2203
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	2204 2205 2206 2207
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	2208 2209
(e) A program to provide parenting education to the parents, guardian, or custodian;	2210 2211
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	2212 2213 2214
(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.	2215 2216 2217 2218
(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.	2219 2220 2221 2222 2223 2224
Sec. 122.17. (A) As used in this section:	2225
(1) "Full-time employee" means an individual who is employed for consideration for at least thirty-five hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.	2226 2227 2228 2229
(2) "New employee" means one of the following:	2230
(a) A full-time employee first employed by a taxpayer in the	2231

project that is the subject of the agreement after the taxpayer 2232
enters into a tax credit agreement with the tax credit authority 2233
under this section; 2234

(b) A full-time employee first employed by a taxpayer in the 2235
project that is the subject of the tax credit after the tax credit 2236
authority approves a project for a tax credit under this section 2237
in a public meeting, as long as the taxpayer enters into the tax 2238
credit agreement prepared by the department of development after 2239
such meeting within sixty days after receiving the agreement from 2240
the department. If the taxpayer fails to enter into the agreement 2241
within sixty days, "new employee" has the same meaning as under 2242
division (A)(2)(a) of this section. 2243

Under division (A)(2)(a) or (b) of this section, if the tax 2244
credit authority determines it appropriate, "new employee" also 2245
may include an employee re-hired or called back from lay-off to 2246
work in a new facility or on a new product or service established 2247
or produced by the taxpayer after entering into the agreement 2248
under this section or after the tax credit authority approves the 2249
tax credit in a public meeting. Except as otherwise provided in 2250
this paragraph, "new employee" does not include any employee of 2251
the taxpayer who was previously employed in this state by a 2252
related member of the taxpayer and whose employment was shifted to 2253
the taxpayer after the taxpayer entered into the tax credit 2254
agreement or after the tax credit authority approved the credit in 2255
a public meeting, or any employee of the taxpayer for which the 2256
taxpayer has been granted a certificate under division (B) of 2257
section 5709.66 of the Revised Code. However, if the taxpayer is 2258
engaged in the enrichment and commercialization of uranium or 2259
uranium products or is engaged in research and development 2260
activities related thereto and if the tax credit authority 2261
determines it appropriate, "new employee" may include an employee 2262
of the taxpayer who was previously employed in this state by a 2263

related member of the taxpayer and whose employment was shifted to 2264
the taxpayer after the taxpayer entered into the tax credit 2265
agreement or after the tax credit authority approved the credit in 2266
a public meeting. "New employee" does not include an employee of 2267
the taxpayer who is employed in an employment position that was 2268
relocated to a project from other operations of the taxpayer in 2269
this state or from operations of a related member of the taxpayer 2270
in this state. In addition, "new employee" does not include a 2271
child, grandchild, parent, or spouse, other than a spouse who is 2272
legally separated from the individual, of any individual who is an 2273
employee of the taxpayer and who has a direct or indirect 2274
ownership interest of at least five per cent in the profits, 2275
capital, or value of the taxpayer. Such ownership interest shall 2276
be determined in accordance with section 1563 of the Internal 2277
Revenue Code and regulations prescribed thereunder. 2278

(3) "New income tax revenue" means the total amount withheld 2279
under section 5747.06 of the Revised Code by the taxpayer during 2280
the taxable year, or during the calendar year that includes the 2281
tax period, from the compensation of new employees for the tax 2282
levied under Chapter 5747. of the Revised Code. 2283

(4) "Related member" has the same meaning as under division 2284
(A)(6) of section 5733.042 of the Revised Code without regard to 2285
division (B) of that section. 2286

(B) The tax credit authority may make grants under this 2287
section to foster job creation in this state. Such a grant shall 2288
take the form of a refundable credit allowed against the tax 2289
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2290
under Chapter 5751. of the Revised Code. The credit shall be 2291
claimed for the taxable years or tax periods specified in the 2292
taxpayer's agreement with the tax credit authority under division 2293
(D) of this section. With respect to taxes imposed under section 2294
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2295

credit shall be claimed in the order required under section 2296
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2297
the credit available for a taxable year or for a calendar year 2298
that includes a tax period equals the new income tax revenue for 2299
that year multiplied by the percentage specified in the agreement 2300
with the tax credit authority. Any credit granted under this 2301
section against the tax imposed by section 5733.06 or 5747.02 of 2302
the Revised Code, to the extent not fully utilized against such 2303
tax for taxable years ending prior to 2008, shall automatically be 2304
converted without any action taken by the tax credit authority to 2305
a credit against the tax levied under Chapter 5751. of the Revised 2306
Code for tax periods beginning on or after July 1, 2008, provided 2307
that the person to whom the credit was granted is subject to such 2308
tax. The converted credit shall apply to those calendar years in 2309
which the remaining taxable years specified in the agreement end. 2310

(C) A taxpayer or potential taxpayer who proposes a project 2311
to create new jobs in this state may apply to the tax credit 2312
authority to enter into an agreement for a tax credit under this 2313
section. The director of development shall prescribe the form of 2314
the application. After receipt of an application, the authority 2315
may enter into an agreement with the taxpayer for a credit under 2316
this section if it determines all of the following: 2317

(1) The taxpayer's project will create new jobs in this 2318
state; 2319

(2) The taxpayer's project is economically sound and will 2320
benefit the people of this state by increasing opportunities for 2321
employment and strengthening the economy of this state; 2322

(3) Receiving the tax credit is a major factor in the 2323
taxpayer's decision to go forward with the project. 2324

(D) An agreement under this section shall include all of the 2325
following: 2326

- (1) A detailed description of the project that is the subject of the agreement; 2327
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- (2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed; 2329
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- (3) A requirement that the taxpayer shall maintain operations at the project location for at least twice the number of years as the term of the tax credit; 2332
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- (4) The percentage, as determined by the tax credit authority, of new income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period; 2335
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- (5) A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax period; 2339
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- (6) A requirement that the taxpayer annually shall report to the director of development the number of new employees, the new income tax revenue withheld in connection with the new employees, and any other information the director needs to perform the director's duties under this section; 2342
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- (7) A requirement that the director of development annually shall verify the amounts reported under division (D)(6) of this section, and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified; 2347
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- (8)(a) A provision requiring that the taxpayer, except as otherwise provided in division (D)(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 tax 2351
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credit. 2357

(b) The taxpayer may relocate employment positions from 2358
elsewhere in this state to the project site that is the subject of 2359
the agreement if the director of development determines both of 2360
the following: 2361

(i) That the site from which the employment positions would 2362
be relocated is inadequate to meet market and industry conditions, 2363
expansion plans, consolidation plans, or other business 2364
considerations affecting the taxpayer; 2365

(ii) That the legislative authority of the county, township, 2366
or municipal corporation from which the employment positions would 2367
be relocated has been notified of the relocation. 2368

For purposes of this section, the movement of an employment 2369
position from one political subdivision to another political 2370
subdivision shall be considered a relocation of an employment 2371
position, but the transfer of an individual employee from one 2372
political subdivision to another political subdivision shall not 2373
be considered a relocation of an employment position as long as 2374
the individual's employment position in the first political 2375
subdivision is refilled. 2376

(E) If a taxpayer fails to meet or comply with any condition 2377
or requirement set forth in a tax credit agreement, the tax credit 2378
authority may amend the agreement to reduce the percentage or term 2379
of the tax credit. The reduction of the percentage or term shall 2380
take effect in the taxable year immediately following the taxable 2381
year in which the authority amends the agreement or in the first 2382
tax period beginning in the calendar year immediately following 2383
the calendar year in which the authority amends the agreement. If 2384
the taxpayer relocates employment positions in violation of the 2385
provision required under division (D)(8)(a) of this section, the 2386
taxpayer shall not claim the tax credit under section 5733.0610 of 2387

the Revised Code for any tax years following the calendar year in 2388
which the relocation occurs, or shall not claim the tax credit 2389
under section 5725.32, 5729.032, or 5747.058 of the Revised Code 2390
for the taxable year in which the relocation occurs and any 2391
subsequent taxable years, and shall not claim the tax credit under 2392
division (A) of section 5751.50 of the Revised Code for any tax 2393
period in the calendar year in which the relocation occurs and any 2394
subsequent tax periods. 2395

(F) Projects that consist solely of point-of-final-purchase 2396
retail facilities are not eligible for a tax credit under this 2397
section. If a project consists of both point-of-final-purchase 2398
retail facilities and nonretail facilities, only the portion of 2399
the project consisting of the nonretail facilities is eligible for 2400
a tax credit and only the new income tax revenue from new 2401
employees of the nonretail facilities shall be considered when 2402
computing the amount of the tax credit. If a warehouse facility is 2403
part of a point-of-final-purchase retail facility and supplies 2404
only that facility, the warehouse facility is not eligible for a 2405
tax credit. Catalog distribution centers are not considered 2406
point-of-final-purchase retail facilities for the purposes of this 2407
division, and are eligible for tax credits under this section. 2408

(G) Financial statements and other information submitted to 2409
the department of development or the tax credit authority by an 2410
applicant or recipient of a tax credit under this section, and any 2411
information taken for any purpose from such statements or 2412
information, are not public records subject to section 149.43 of 2413
the Revised Code. However, the chairperson of the authority may 2414
make use of the statements and other information for purposes of 2415
issuing public reports or in connection with court proceedings 2416
concerning tax credit agreements under this section. Upon the 2417
request of the tax commissioner or, if the applicant or recipient 2418
is an insurance company, upon the request of the superintendent of 2419

insurance, the chairperson of the authority shall provide to the 2420
commissioner or superintendent any statement or information 2421
submitted by an applicant or recipient of a tax credit in 2422
connection with the credit. The commissioner or superintendent 2423
shall preserve the confidentiality of the statement or 2424
information. 2425

(H) A taxpayer claiming a credit under this section shall 2426
submit to the tax commissioner or, if the taxpayer is an insurance 2427
company, to the superintendent of insurance, a copy of the 2428
director of development's certificate of verification under 2429
division (D)(7) of this section with the taxpayer's tax report or 2430
return for the taxable year or for the calendar year that includes 2431
the tax period. ~~However, failure~~ Failure to submit a copy of the 2432
certificate with the report or return does not invalidate a claim 2433
for a credit if the taxpayer submits a copy of the certificate to 2434
the commissioner or superintendent within sixty days after the 2435
commissioner or superintendent requests it. 2436

(I) The director of development, after consultation with the 2437
tax commissioner and the superintendent of insurance and in 2438
accordance with Chapter 119. of the Revised Code, shall adopt 2439
rules necessary to implement this section. The rules may provide 2440
for recipients of tax credits under this section to be charged 2441
fees to cover administrative costs of the tax credit program. At 2442
the time the director gives public notice under division (A) of 2443
section 119.03 of the Revised Code of the adoption of the rules, 2444
the director shall submit copies of the proposed rules to the 2445
chairpersons of the standing committees on economic development in 2446
the senate and the house of representatives. 2447

(J) For the purposes of this section, a taxpayer may include 2448
a partnership, a corporation that has made an election under 2449
subchapter S of chapter one of subtitle A of the Internal Revenue 2450
Code, or any other business entity through which income flows as a 2451

distributive share to its owners. A credit received under this 2452
section by a partnership, S-corporation, or other such business 2453
entity shall be apportioned among the persons to whom the income 2454
or profit of the partnership, S-corporation, or other entity is 2455
distributed, in the same proportions as those in which the income 2456
or profit is distributed. 2457

(K) If the director of development determines that a taxpayer 2458
who has received a credit under this section is not complying with 2459
the requirement under division (D)(3) of this section, the 2460
director shall notify the tax credit authority of the 2461
noncompliance. After receiving such a notice, and after giving the 2462
taxpayer an opportunity to explain the noncompliance, the tax 2463
credit authority may require the taxpayer to refund to this state 2464
a portion of the credit in accordance with the following: 2465

(1) If the taxpayer maintained operations at the project 2466
location for at least one and one-half times the number of years 2467
of the term of the tax credit, an amount not exceeding twenty-five 2468
per cent of the sum of any previously allowed credits under this 2469
section; 2470

(2) If the taxpayer maintained operations at the project 2471
location for at least the number of years of the term of the tax 2472
credit, an amount not exceeding fifty per cent of the sum of any 2473
previously allowed credits under this section; 2474

(3) If the taxpayer maintained operations at the project 2475
location for less than the number of years of the term of the tax 2476
credit, an amount not exceeding one hundred per cent of the sum of 2477
any previously allowed credits under this section. 2478

In determining the portion of the tax credit to be refunded 2479
to this state, the tax credit authority shall consider the effect 2480
of market conditions on the taxpayer's project and whether the 2481
taxpayer continues to maintain other operations in this state. 2482

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.

(M) There is hereby created the tax credit authority, which consists of the director of development and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Of the initial appointees, the members appointed by the governor shall serve a term of two years; the members appointed by the president of the senate and the speaker of the house of representatives shall serve a term of four years. Thereafter,

terms of office shall be for four years. Initial appointments to 2515
the authority shall be made within thirty days after January 13, 2516
1993. Each member shall serve on the authority until the end of 2517
the term for which the member was appointed. Vacancies shall be 2518
filled in the same manner provided for original appointments. Any 2519
member appointed to fill a vacancy occurring prior to the 2520
expiration of the term for which the member's predecessor was 2521
appointed shall hold office for the remainder of that term. 2522
Members may be reappointed to the authority. Members of the 2523
authority shall receive their necessary and actual expenses while 2524
engaged in the business of the authority. The director of 2525
development shall serve as chairperson of the authority, and the 2526
members annually shall elect a vice-chairperson from among 2527
themselves. Three members of the authority constitute a quorum to 2528
transact and vote on the business of the authority. The majority 2529
vote of the membership of the authority is necessary to approve 2530
any such business, including the election of the vice-chairperson. 2531

The director of development may appoint a professional 2532
employee of the department of development to serve as the 2533
director's substitute at a meeting of the authority. The director 2534
shall make the appointment in writing. In the absence of the 2535
director from a meeting of the authority, the appointed substitute 2536
shall serve as chairperson. In the absence of both the director 2537
and the director's substitute from a meeting, the vice-chairperson 2538
shall serve as chairperson. 2539

(N) For purposes of the credits granted by this section 2540
against the taxes imposed under sections 5725.18 and 5729.03 of 2541
the Revised Code, "taxable year" means the period covered by the 2542
taxpayer's annual statement to the superintendent of insurance. 2543

Sec. 122.171. (A) As used in this section: 2544

(1) "Capital investment project" means a plan of investment 2545

at a project site for the acquisition, construction, renovation,	2546
or repair of buildings, machinery, or equipment, or for	2547
capitalized costs of basic research and new product development	2548
determined in accordance with generally accepted accounting	2549
principles, but does not include any of the following:	2550
(a) Payments made for the acquisition of personal property	2551
through operating leases;	2552
(b) Project costs paid before January 1, 2002;	2553
(c) Payments made to a related member as defined in section	2554
5733.042 of the Revised Code or to an elected consolidated	2555
taxpayer or a combined taxpayer as defined in section 5751.01 of	2556
the Revised Code.	2557
(2) "Eligible business" means a business with Ohio operations	2558
satisfying all of the following:	2559
(a) Employed an average of at least one thousand employees in	2560
full-time employment positions at a project site during each of	2561
the twelve months preceding the application for a tax credit under	2562
this section; and	2563
(b) On or after January 1, 2002, has made payments for the	2564
capital investment project of either of the following:	2565
(i) At least two hundred million dollars in the aggregate at	2566
the project site during a period of three consecutive calendar	2567
years including the calendar year that includes a day of the	2568
taxpayer's taxable year or tax period with respect to which the	2569
credit is granted;	2570
(ii) If the average wage of all full-time employment	2571
positions at the project site is greater than four hundred per	2572
cent of the federal minimum wage, at least one hundred million	2573
dollars in the aggregate at the project site during a period of	2574
three consecutive calendar years including the calendar year that	2575

includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.	2576 2577
(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;	2578 2579 2580
(d) Has had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.	2581 2582 2583
(3) "Full-time employment position" means a position of employment for consideration for at least thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year or each calendar year that includes a tax period with respect to which the credit is granted.	2584 2585 2586 2587 2588 2589 2590
(4) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.	2591 2592
(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.	2593 2594 2595 2596
(6) "Applicable corporation" means a corporation satisfying all of the following:	2597 2598
(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services through outsourcing or licensing to domestic or international customers.	2599 2600 2601 2602 2603
(ii) Sales and licensing of software generated at least six hundred million dollars in revenue during the taxable year	2604 2605

immediately preceding the tax year the corporation is first 2606
entitled to claim the credit provided under division (B) of this 2607
section. 2608

(b) For the entire taxable year immediately preceding the tax 2609
year, the corporation or one or more of its related members 2610
provides customer or employee care and technical support for 2611
clients through one or more contact centers within this state, and 2612
the corporation and its related members together have a daily 2613
average, based on a three-hundred-sixty-five-day year, of at least 2614
five hundred thousand successful customer contacts through one or 2615
more of their contact centers, wherever located. 2616

(c) The corporation is eligible for the credit under division 2617
(B) of this section for the tax year. 2618

(7) "Related member" has the same meaning as in section 2619
5733.042 of the Revised Code as that section existed on the 2620
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2621
general assembly, September 29, 1997. 2622

(8) "Successful customer contact" means a contact with an end 2623
user via telephone, including interactive voice recognition or 2624
similar means, where the contact culminates in a conversation or 2625
connection other than a busy signal or equipment busy. 2626

(9) "Telecommunications" means all forms of 2627
telecommunications service as defined in section 5739.01 of the 2628
Revised Code, and includes services in wireless, wireline, cable, 2629
broadband, internet protocol, and satellite. 2630

(10)(a) "Applicable difference" means the difference between 2631
the tax for the tax year under Chapter 5733. of the Revised Code 2632
applying the law in effect for that tax year, and the tax for that 2633
tax year if section 5733.042 of the Revised Code applied as that 2634
section existed on the effective date of its amendment by Am. Sub. 2635
H.B. 215 of the 122nd general assembly, September 29, 1997, 2636

subject to division (A)(10)(b) of this section. 2637

(b) If the tax rate set forth in division (B) of section 2638
5733.06 of the Revised Code for the tax year is less than eight 2639
and one-half per cent, the tax calculated under division 2640
(A)(10)(a) of this section shall be computed by substituting a tax 2641
rate of eight and one-half per cent for the rate set forth in 2642
division (B) of section 5733.06 of the Revised Code for the tax 2643
year. 2644

(c) If the resulting difference is negative, the applicable 2645
tax difference for the tax year shall be zero. 2646

(B) The tax credit authority created under section 122.17 of 2647
the Revised Code may grant tax credits under this section for the 2648
purpose of fostering job retention in this state. Upon application 2649
by an eligible business and upon consideration of the 2650
recommendation of the director of budget and management, tax 2651
commissioner, and director of development under division (C) of 2652
this section, the tax credit authority may grant to an eligible 2653
business a nonrefundable credit against the tax imposed by section 2654
5733.06 or 5747.02 ~~or levied under Chapter 5751.~~ of the Revised 2655
Code for a period up to fifteen taxable years and against the tax 2656
levied by Chapter 5751. of the Revised Code for a period of up to 2657
fifteen calendar years. The credit shall be in an amount not 2658
exceeding seventy-five per cent of the Ohio income tax withheld 2659
from the employees of the eligible business occupying full-time 2660
employment positions at the project site during the calendar year 2661
that includes the last day of such business' taxable year or tax 2662
period with respect to which the credit is granted. The amount of 2663
the credit shall not be based on the Ohio income tax withheld from 2664
full-time employees for a calendar year prior to the calendar year 2665
in which the minimum investment requirement referred to in 2666
division (A)(2)(b) of this section is completed. The credit shall 2667
be claimed only for the taxable years or tax periods specified in 2668

the eligible business' agreement with the tax credit authority 2669
under division (E) of this section, but in no event shall the 2670
credit be claimed for a taxable year or tax period terminating 2671
before the date specified in the agreement. Any credit granted 2672
under this section against the tax imposed by section 5733.06 or 2673
5747.02 of the Revised Code, to the extent not fully utilized 2674
against such tax for taxable years ending prior to 2008, shall 2675
automatically be converted without any action taken by the tax 2676
credit authority to a credit against the tax levied under Chapter 2677
5751. of the Revised Code for tax periods beginning on or after 2678
July 1, 2008, provided that the person to whom the credit was 2679
granted is subject to such tax. The converted credit shall apply 2680
to those calendar years in which the remaining taxable years 2681
specified in the agreement end. 2682

The credit computed under this division is in addition to any 2683
credit allowed under division (M) of this section which the tax 2684
credit authority may also include in the agreement. 2685

Any unused portion of a tax credit may be carried forward for 2686
not more than three additional years after the year for which the 2687
credit is granted. 2688

(C) A taxpayer that proposes a capital investment project to 2689
retain jobs in this state may apply to the tax credit authority to 2690
enter into an agreement for a tax credit under this section. The 2691
director of development shall prescribe the form of the 2692
application. After receipt of an application, the authority shall 2693
forward copies of the application to the director of budget and 2694
management, the tax commissioner, and the director of development, 2695
each of whom shall review the application to determine the 2696
economic impact the proposed project would have on the state and 2697
the affected political subdivisions and shall submit a summary of 2698
their determinations and recommendations to the authority. 2699

(D) Upon review of the determinations and recommendations 2700

described in division (C) of this section, the tax credit 2701
authority may enter into an agreement with the taxpayer for a 2702
credit under this section if the authority determines all of the 2703
following: 2704

(1) The taxpayer's capital investment project will result in 2705
the retention of full-time employment positions in this state. 2706

(2) The taxpayer is economically sound and has the ability to 2707
complete the proposed capital investment project. 2708

(3) The taxpayer intends to and has the ability to maintain 2709
operations at the project site for at least twice the term of the 2710
credit. 2711

(4) Receiving the credit is a major factor in the taxpayer's 2712
decision to begin, continue with, or complete the project. 2713

(5) The political subdivisions in which the project is 2714
located have agreed to provide substantial financial support to 2715
the project. 2716

(E) An agreement under this section shall include all of the 2717
following: 2718

(1) A detailed description of the project that is the subject 2719
of the agreement, including the amount of the investment, the 2720
period over which the investment has been or is being made, and 2721
the number of full-time employment positions at the project site. 2722

(2) The method of calculating the number of full-time 2723
employment positions as specified in division (A)(3) of this 2724
section. 2725

(3) The term and percentage of the tax credit, and the first 2726
year for which the credit may be claimed. 2727

(4) A requirement that the taxpayer maintain operations at 2728
the project site for at least twice the number of years as the 2729
term of the credit. 2730

(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.

(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.

(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 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.

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

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

(F) If a taxpayer fails to meet or comply with any condition
or requirement set forth in a tax credit agreement, the tax credit

authority may amend the agreement to reduce the percentage or term
of the credit. The reduction of the percentage or term shall take
effect in the taxable year immediately following the taxable year
in which the authority amends the agreement or in the first tax
period beginning in the calendar year immediately following the
calendar year in which the authority amends the agreement. If the
taxpayer relocates employment positions in violation of the
provision required under division (D)(8)(a) of this section, the
taxpayer shall not claim the tax credit under section 5733.0610 of
the Revised Code for any tax years following the calendar year in
which the relocation occurs, shall not claim the tax credit under
section 5747.058 of the Revised Code for the taxable year in which
the relocation occurs and any subsequent taxable years, and shall
not claim the tax credit under division (A) of section 5751.50 of
the Revised Code for the tax period in which the relocation occurs
and any subsequent tax periods.

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

(H) A taxpayer claiming a tax credit under this section shall

submit to the tax commissioner a copy of the director of 2826
development's certificate of verification under division (E)(7) of 2827
this section with the taxpayer's tax report or return for the 2828
taxable year or for the calendar year that includes the tax 2829
period. ~~However, failure~~ Failure to submit a copy of the 2830
certificate with the report or return does not invalidate a claim 2831
for a credit if the taxpayer submits a copy of the certificate to
the commissioner within sixty days after the commissioner requests
it. 2832
2833
2834

(I) For the purposes of this section, a taxpayer may include 2835
a partnership, a corporation that has made an election under 2836
subchapter S of chapter one of subtitle A of the Internal Revenue 2837
Code, or any other business entity through which income flows as a 2838
distributive share to its owners. A tax credit received under this 2839
section by a partnership, S-corporation, or other such business 2840
entity shall be apportioned among the persons to whom the income 2841
or profit of the partnership, S-corporation, or other entity is 2842
distributed, in the same proportions as those in which the income 2843
or profit is distributed. 2844

(J) If the director of development determines that a taxpayer 2845
that received a tax credit under this section is not complying 2846
with the requirement under division (E)(4) of this section, the 2847
director shall notify the tax credit authority of the 2848
noncompliance. After receiving such a notice, and after giving the 2849
taxpayer an opportunity to explain the noncompliance, the 2850
authority may terminate the agreement and require the taxpayer to 2851
refund to the state all or a portion of the credit claimed in 2852
previous years, as follows: 2853

(1) If the taxpayer maintained operations at the project site 2854
for less than the term of the credit, the amount required to be 2855
refunded shall not exceed the amount of any tax credits previously 2856
allowed and received under this section. 2857

(2) If the taxpayer maintained operations at the project site 2858
longer than the term of the credit but less than one and one-half 2859
times the term of the credit, the amount required to be refunded 2860
shall not exceed fifty per cent of the sum of any tax credits 2861
previously allowed and received under this section. 2862

(3) If the taxpayer maintained operations at the project site 2863
for at least one and one-half times the term of the credit but 2864
less than twice the term of the credit, the amount required to be 2865
refunded shall not exceed twenty-five per cent of the sum of any 2866
tax credits previously allowed and received under this section. 2867

In determining the portion of the credit to be refunded to 2868
this state, the authority shall consider the effect of market 2869
conditions on the taxpayer's project and whether the taxpayer 2870
continues to maintain other operations in this state. After making 2871
the determination, the authority shall certify the amount to be 2872
refunded to the tax commissioner. The commissioner shall make an 2873
assessment for that amount against the taxpayer under Chapter 2874
5733., 5747., or 5751. of the Revised Code. The time limitations 2875
on assessments under those chapters do not apply to an assessment 2876
under this division, but the commissioner shall make the 2877
assessment within one year after the date the authority certifies 2878
to the commissioner the amount to be refunded. 2879

If the director of development determines that a taxpayer 2880
that received a tax credit under this section has reduced the 2881
number of employees agreed to under division (E)(5) of this 2882
section by more than ten per cent, the director shall notify the 2883
tax credit authority of the noncompliance. After receiving such 2884
notice, and after providing the taxpayer an opportunity to explain 2885
the noncompliance, the authority may amend the agreement to reduce 2886
the percentage or term of the tax credit. The reduction in the 2887
percentage or term shall take effect in the taxable year, or in 2888
the calendar year that includes the tax period, in which the 2889

authority amends the agreement. 2890

(K) The director of development, after consultation with the 2891
tax commissioner and in accordance with Chapter 119. of the 2892
Revised Code, shall adopt rules necessary to implement this 2893
section. The rules may provide for recipients of tax credits under 2894
this section to be charged fees to cover administrative costs of 2895
the tax credit program. At the time the director gives public 2896
notice under division (A) of section 119.03 of the Revised Code of 2897
the adoption of the rules, the director shall submit copies of the 2898
proposed rules to the chairpersons of the standing committees on 2899
economic development in the senate and the house of 2900
representatives. 2901

(L) On or before the thirty-first day of March of each year, 2902
the director of development shall submit a report to the governor, 2903
the president of the senate, and the speaker of the house of 2904
representatives on the tax credit program under this section. The 2905
report shall include information on the number of agreements that 2906
were entered into under this section during the preceding calendar 2907
year, a description of the project that is the subject of each 2908
such agreement, and an update on the status of projects under 2909
agreements entered into before the preceding calendar year. 2910

(M)(1) A nonrefundable credit shall be allowed to an 2911
applicable corporation and its related members in an amount equal 2912
to the applicable difference. The credit is in addition to the 2913
credit granted to the corporation or related members under 2914
division (B) of this section. The credit is subject to divisions 2915
(B) to (E) and division (J) of this section. 2916

(2) A person qualifying as an applicable corporation under 2917
this section for a tax year does not necessarily qualify as an 2918
applicable corporation for any other tax year. No person is 2919
entitled to the credit allowed under division (M) of this section 2920

for the tax year immediately following the taxable year during 2921
which the person fails to meet the requirements in divisions 2922
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2923
to the credit allowed under division (M) of this section for any 2924
tax year for which the person is not eligible for the credit 2925
provided under division (B) of this section. 2926

Sec. 122.72. (A) There is hereby created the minority 2927
development financing advisory board to assist in carrying out the 2928
programs created pursuant to sections 122.71 to ~~122.90~~ 122.89 of 2929
the Revised Code. 2930

(B) The board shall consist of ten members. The director of 2931
development or the director's designee shall be a voting member on 2932
the board. Seven members shall be appointed by the governor with 2933
the advice and consent of the senate and selected because of their 2934
knowledge of and experience in industrial, business, and 2935
commercial financing, suretyship, construction, and their 2936
understanding of the problems of minority business enterprises; 2937
one member also shall be a member of the senate and appointed by 2938
the president of the senate, and one member also shall be a member 2939
of the house of representatives and appointed by the speaker of 2940
the house of representatives. With respect to the board, all of 2941
the following apply: 2942

(1) Not more than four of the members of the board appointed 2943
by the governor shall be of the same political party. 2944

(2) Each member shall hold office from the date of the 2945
member's appointment until the end of the term for which the 2946
member was appointed. 2947

(3) The terms of office for the seven members appointed by 2948
the governor shall be for seven years, commencing on the first day 2949
of October and ending on the thirtieth day of September of the 2950

seventh year, except that of the original seven members, three
shall be appointed for three years and two shall be appointed for
five years.

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

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

(6) Any member shall continue in office subsequent to the
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.

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

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

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

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

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

(a) The president of the senate or the speaker of the house 2981
of representatives, whoever appointed the absent member; 2982

(b) A member of the senate or of the house of representatives 2983
of the same political party as the absent member, as designated by 2984
the president of the senate or the speaker of the house of 2985
representatives, whoever appointed the absent member. 2986

(12) The board shall annually elect one of its members as 2987
chairperson and another as vice-chairperson. 2988

Sec. 122.73. (A) The minority development financing advisory 2989
board and the director of development are invested with the powers 2990
and duties provided in sections 122.71 to ~~122.90~~ 122.89 of the 2991
Revised Code, in order to promote the welfare of the people of the 2992
state by encouraging the establishment and expansion of minority 2993
business enterprises; to stabilize the economy; to provide 2994
employment; to assist in the development within the state of 2995
industrial, commercial, distribution, and research activities 2996
required for the people of the state, and for their gainful 2997
employment; or otherwise to create or preserve jobs and employment 2998
opportunities, or improve the economic welfare of the people of 2999
the state. It is hereby determined that the accomplishment of 3000
those purposes is essential so that the people of the state may 3001
maintain their present high standards of living in comparison with 3002
the people of other states and so that opportunities for 3003
employment and for favorable markets for the products of the 3004
state's natural resources, agriculture, and manufacturing shall be 3005
improved. It further is determined that it is necessary for the 3006
state to establish the programs authorized under sections 122.71 3007
to ~~122.90~~ 122.89 of the Revised Code to establish the minority 3008
development financing advisory board, and to invest it and the 3009
director of development with the powers and duties provided in 3010
sections 122.71 to ~~122.90~~ 122.89 of the Revised Code. 3011

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

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

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

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

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

(a) Receive applications for assistance under sections 122.71 to 122.89 of the Revised Code and applications from surety companies for bond guarantees under section 122.90 of the Revised Code, and, after processing but subject to division (A)(2) of this section, forward them to the minority development financing advisory board together with necessary supporting information;

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

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

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

whether to approve the assistance. 3042

(2) The director is not required to submit any determination, 3043
data, terms, or any other application materials or information to 3044
the minority development financing advisory board when provision 3045
of the assistance has been recommended to the director by a 3046
regional economic development entity or when an application for a 3047
surety company for bond guarantees under section 122.90 of the 3048
Revised Code has been previously approved by the controlling 3049
board. 3050

(B) The director may do all of the following: 3051

(1) Fix the rate of interest and charges to be made upon or 3052
with respect to moneys loaned or guaranteed by the director and 3053
the terms upon which mortgages and lease rentals may be guaranteed 3054
and the rates of charges to be made for them and make provisions 3055
for the operation of the funds established by the director in 3056
accordance with this section and sections 122.80, 122.88, and 3057
122.90 of the Revised Code; 3058

(2) Loan and guarantee moneys from the fund established in 3059
accordance with section 122.80 of the Revised Code pursuant to and 3060
in compliance with sections 122.71 to 122.90 of the Revised Code. 3061

(3) Acquire in the name of the director any property of any 3062
kind or character in accordance with sections 122.71 to 122.90 of 3063
the Revised Code, by purchase, purchase at foreclosure, or 3064
exchange on such terms and in such manner as the director 3065
considers proper; 3066

(4) Make and enter into all contracts and agreements 3067
necessary or incidental to the performance of the director's 3068
duties and the exercise of the director's powers under sections 3069
122.71 to 122.90 of the Revised Code; 3070

(5) Maintain, protect, repair, improve, and insure any 3071
property that the director has acquired and dispose of it by sale, 3072

exchange, or lease for the consideration and on the terms and in 3073
the manner as the director considers proper, but the director 3074
shall not operate any such property as a business except as the 3075
lessor of it; 3076

(6)(a) When the cost of any contract for the maintenance, 3077
protection, repair, or improvement of any property held by the 3078
director, other than compensation for personal services, involves 3079
an expenditure of more than fifty thousand dollars, the director 3080
shall make a written contract with the lowest responsive and 3081
responsible bidder in accordance with section 9.312 of the Revised 3082
Code after advertisement for not less than two consecutive weeks 3083
in a newspaper of general circulation in the county where such 3084
contract, or some substantial part of it, is to be performed, and 3085
in such other publications as the director determines, which 3086
notice shall state the general character of the work and the 3087
general character of the materials to be furnished, the place 3088
where plans and specifications therefor may be examined, and the 3089
time and place of receiving bids. 3090

(b) Each bid for a contract for the construction, demolition, 3091
alteration, repair, or reconstruction of an improvement shall 3092
contain the full name of every person interested in it and meet 3093
the requirements of section 153.54 of the Revised Code. 3094

(c) Each bid for a contract, except as provided in division 3095
(B)(6)(b) of this section, shall contain the full name of every 3096
person interested in it and shall be accompanied by bond or 3097
certified check on a solvent bank, in such amount as the director 3098
considers sufficient, that if the bid is accepted a contract will 3099
be entered into and the performance of the proposal secured. 3100

(d) The director may reject any and all bids. 3101

(e) A bond with good and sufficient surety, approved by the 3102
director, shall be required of every contractor awarded a contract 3103

except as provided in division (B)(6)(b) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon faithful performance of the contract.

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

(8) Receive and accept grants, gifts, and contributions of money, property, labor, and other things of value to be held, used, and applied only for the purpose for which the grants, gifts, and contributions are made, from individuals, private and public corporations, from the United States or any agency thereof, from the state or any agency thereof, and from any political subdivision of the state, and may agree to repay any contribution of money or to return any property contributed or the value thereof at such times, in amounts, and on terms and conditions, excluding the payment of interest, as the director determines at the time the contribution is made, and may evidence the obligations by notes, bonds, or other written instruments;

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

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

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

(C)(1) All expenses and obligations incurred by the director in carrying out the director's powers and in exercising the

director's duties under sections 122.71 to 122.90 of the Revised Code shall be payable solely from revenues or other receipts or income of the director, from grants, gifts, and contributions, or funds established in accordance with such sections. Such sections do not authorize the director to incur indebtedness or to impose liability on the state or any political subdivision of the state.

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

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

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

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

(D) The penal sum amounts of all outstanding guarantees made 3166
by the director under this section shall not exceed three times 3167
the difference between the amount of moneys in the minority 3168
business bonding fund and available to the fund under division (B) 3169
of section 169.05 of the Revised Code and the amount of all 3170
outstanding bonds issued by the director in accordance with 3171
division (A) of section 122.89 of the Revised Code. 3172

(E) The director of development, with controlling board 3173
approval, may approve one application per fiscal year from each 3174
surety bond company for bond guarantees in an amount requested to 3175
support one fiscal year of that company's activity under this 3176
section. A surety bond company that applies for a bond guarantee 3177
under this division, whether or not the guarantee is approved, is 3178
not restricted from also applying for individual bond guarantees 3179
under division (A) of this section. 3180

Sec. 124.09. The director of administrative services shall do 3181
all of the following: 3182

(A) Prescribe, amend, and enforce administrative rules for 3183
the purpose of carrying out the functions, powers, and duties 3184
vested in and imposed upon the director by this chapter. Except in 3185
the case of rules adopted pursuant to section 124.14 of the 3186
Revised Code, the prescription, amendment, and enforcement of 3187
rules under this division are subject to approval, disapproval, or 3188
modification by the state personnel board of review. 3189

(B) Keep records of the director's proceedings and records of 3190
all applications for examinations and all examinations conducted 3191
by the director. All such records, except examinations and 3192
recommendations of former employers, shall be open to public 3193
inspection under reasonable regulations; provided the governor, or 3194
any person designated by the governor, may, for the purpose of 3195
investigation, have free access to all such records, whenever the 3196

governor has reason to believe that this chapter, or the 3197
administrative rules of the director prescribed under such 3198
sections, are being violated. 3199

(C) Prepare, continue, and keep in the office of the 3200
department a complete roster of all persons in the classified 3201
service who are paid directly by warrant of the ~~auditor of state~~ 3202
director of budget and management. This roster shall be open to 3203
public inspection at all reasonable hours. It shall show in 3204
reference to each of those persons, the person's name, address, 3205
date of appointment to or employment in the classified service, 3206
and salary or compensation, the title of the place or office that 3207
the person holds, the nature of the duties of that place or 3208
office, and, in case of the person's removal or resignation, the 3209
date of the termination of that service. 3210

(D) Approve the establishment of all new positions in the 3211
civil service of the state and the reestablishment of abolished 3212
positions. 3213

(E) Require the abolishment of any position in the civil 3214
service of the state that is not filled after a period of twelve 3215
months unless it is determined that the position is seasonal in 3216
nature or that the vacancy is otherwise justified. 3217

(F) Make investigations concerning all matters touching the 3218
enforcement and effect of this chapter and the administrative 3219
rules of the director of administrative services prescribed under 3220
this chapter. In the course of such investigations, the director 3221
or the director's deputy may administer oaths and affirmations and 3222
take testimony relative to any matter which the director has 3223
authority to investigate. 3224

(G) Have the power to subpoena and require the attendance and 3225
testimony of witnesses and the production of books, papers, public 3226
records, and other documentary evidence pertinent to the 3227

investigations, inquiries, or hearings on any matter which the 3228
director has authority to investigate, inquire into or hear, and 3229
to examine them in relation to any matter which the director has 3230
authority to investigate, inquire into, or hear. Fees shall be 3231
allowed to witnesses, and on their certificate, duly audited, 3232
shall be paid by the treasurer of state, or in the case of 3233
municipal or civil service township civil service commissions by 3234
the county treasurer, for attendance and traveling, as is provided 3235
in section 2335.06 of the Revised Code for witnesses in courts of 3236
record. All officers in the civil service of the state or any of 3237
the political subdivisions thereof and their deputies, clerks, and 3238
employees shall attend and testify when summoned to do so by the 3239
director or the state personnel board of review. Depositions of 3240
witnesses may be taken by the director or the board, or any member 3241
thereof, in the manner prescribed by law for like depositions in 3242
civil actions in the courts of common pleas. In case any person, 3243
in disobedience to any subpoena issued by the director or the 3244
board, or any member thereof, or the chief examiner, fails or 3245
refuses to attend and testify to any matter regarding which the 3246
person may be lawfully interrogated, or produce any documentary 3247
evidence pertinent to any investigation, inquiry, or hearing, the 3248
court of common pleas of any county, or any judge thereof, where 3249
such disobedience, failure, or refusal occurs, upon application of 3250
the director or the board, or any member thereof, or a municipal 3251
or civil service township civil service commission, or any 3252
commissioner thereof, or their chief examiner, shall compel 3253
obedience by attachment proceedings for contempt as in the case of 3254
disobedience of the requirements of a subpoena issued from such 3255
courts or a refusal to testify therein. 3256

(H) Make a report to the governor, on or before the first day 3257
of January of each year, showing the director's actions, the rules 3258
and all exceptions thereto in force, and any recommendations for 3259

the more effectual accomplishment of the purposes of this chapter. 3260
The director shall also furnish any special reports to the 3261
governor whenever the governor requests them. Such reports shall 3262
be printed for public distribution under the same regulations as 3263
are the reports of other state officers, boards, or commissions. 3264

Sec. 124.11. The civil service of the state and the several 3265
counties, cities, civil service townships, city health districts, 3266
general health districts, and city school districts thereof shall 3267
be divided into the unclassified service and the classified 3268
service. 3269

(A) The unclassified service shall comprise the following 3270
positions, which shall not be included in the classified service, 3271
and which shall be exempt from all examinations required by this 3272
chapter: 3273

(1) All officers elected by popular vote or persons appointed 3274
to fill vacancies in such offices; 3275

(2) All election officers as defined in section 3501.01 of 3276
the Revised Code; 3277

(3) The members of all boards and commissions, and heads of 3278
principal departments, boards, and commissions appointed by the 3279
governor or by and with the governor's consent; and the members of 3280
all boards and commissions and all heads of departments appointed 3281
by the mayor, or, if there is no mayor, such other similar chief 3282
appointing authority of any city or city school district; except 3283
as otherwise provided in division (A)(17) or (C) of this section, 3284
this chapter does not exempt the chiefs of police departments and 3285
chiefs of fire departments of cities or civil service townships 3286
from the competitive classified service; 3287

(4) The members of county or district licensing boards or 3288
commissions and boards of revision, and deputy county auditors; 3289

(5) All officers and employees elected or appointed by either 3290
or both branches of the general assembly, and such employees of 3291
the city legislative authority as are engaged in legislative 3292
duties; 3293

(6) All commissioned, warrant, and noncommissioned officers 3294
and enlisted persons in the Ohio organized militia, including 3295
military appointees in the adjutant general's department; 3296

(7)(a) All presidents, business managers, administrative 3297
officers, superintendents, assistant superintendents, principals, 3298
deans, assistant deans, instructors, teachers, and such employees 3299
as are engaged in educational or research duties connected with 3300
the public school system, colleges, and universities, as 3301
determined by the governing body of the public school system, 3302
colleges, and universities; 3303

(b) The library staff of any library in the state supported 3304
wholly or in part at public expense. 3305

(8) Four clerical and administrative support employees for 3306
each of the elective state officers; and three clerical and 3307
administrative support employees for other elective officers and 3308
each of the principal appointive executive officers, boards, or 3309
commissions, except for civil service commissions, that are 3310
authorized to appoint such clerical and administrative support 3311
employees; 3312

(9) The deputies and assistants of state agencies authorized 3313
to act for and on behalf of the agency, or holding a fiduciary or 3314
administrative relation to that agency and those persons employed 3315
by and directly responsible to elected county officials or a 3316
county administrator and holding a fiduciary or administrative 3317
relationship to such elected county officials or county 3318
administrator, and the employees of such county officials whose 3319
fitness would be impracticable to determine by competitive 3320

examination, provided that division (A)(9) of this section shall 3321
not affect those persons in county employment in the classified 3322
service as of September 19, 1961. Nothing in division (A)(9) of 3323
this section applies to any position in a county department of job 3324
and family services created pursuant to Chapter 329. of the 3325
Revised Code. 3326

(10) Bailiffs, constables, official stenographers, and 3327
commissioners of courts of record, deputies of clerks of the 3328
courts of common pleas who supervise, or who handle public moneys 3329
or secured documents, and such officers and employees of courts of 3330
record and such deputies of clerks of the courts of common pleas 3331
as the director of administrative services finds it impracticable 3332
to determine their fitness by competitive examination; 3333

(11) Assistants to the attorney general, special counsel 3334
appointed or employed by the attorney general, assistants to 3335
county prosecuting attorneys, and assistants to city directors of 3336
law; 3337

(12) Such teachers and employees in the agricultural 3338
experiment stations; such students in normal schools, colleges, 3339
and universities of the state who are employed by the state or a 3340
political subdivision of the state in student or intern 3341
classifications; and such unskilled labor positions as the 3342
director of administrative services or any municipal civil service 3343
commission may find it impracticable to include in the competitive 3344
classified service; provided such exemptions shall be by order of 3345
the commission or the director, duly entered on the record of the 3346
commission or the director with the reasons for each such 3347
exemption; 3348

(13) Any physician or dentist who is a full-time employee of 3349
the department of mental health or the department of mental 3350
retardation and developmental disabilities or of an institution 3351

under the jurisdiction of either department; and physicians who	3352
are in residency programs at the institutions;	3353
(14) Up to twenty positions at each institution under the	3354
jurisdiction of the department of mental health or the department	3355
of mental retardation and developmental disabilities that the	3356
department director determines to be primarily administrative or	3357
managerial; and up to fifteen positions in any division of either	3358
department, excluding administrative assistants to the director	3359
and division chiefs, which are within the immediate staff of a	3360
division chief and which the director determines to be primarily	3361
and distinctively administrative and managerial;	3362
(15) Noncitizens of the United States employed by the state,	3363
or its counties or cities, as physicians or nurses who are duly	3364
licensed to practice their respective professions under the laws	3365
of Ohio, or medical assistants, in mental or chronic disease	3366
hospitals, or institutions;	3367
(16) Employees of the governor's office;	3368
(17) Fire chiefs and chiefs of police in civil service	3369
townships appointed by boards of township trustees under section	3370
505.38 or 505.49 of the Revised Code;	3371
(18) Executive directors, deputy directors, and program	3372
directors employed by boards of alcohol, drug addiction, and	3373
mental health services under Chapter 340. of the Revised Code, and	3374
secretaries of the executive directors, deputy directors, and	3375
program directors;	3376
(19) Superintendents, and management employees as defined in	3377
section 5126.20 of the Revised Code, of county boards of mental	3378
retardation and developmental disabilities;	3379
(20) Physicians, nurses, and other employees of a county	3380
hospital who are appointed pursuant to sections 339.03 and 339.06	3381

of the Revised Code;	3382
(21) The executive director of the state medical board, who	3383
is appointed pursuant to division (B) of section 4731.05 of the	3384
Revised Code;	3385
(22) County directors of job and family services as provided	3386
in section 329.02 of the Revised Code and administrators appointed	3387
under section 329.021 of the Revised Code;	3388
(23) A director of economic development who is hired pursuant	3389
to division (A) of section 307.07 of the Revised Code;	3390
(24) Chiefs of construction and compliance, of operations and	3391
maintenance, and of licensing and certification in the division of	3392
industrial compliance in the department of commerce;	3393
(25) The executive director of a county transit system	3394
appointed under division (A) of section 306.04 of the Revised	3395
Code;	3396
(26) Up to five positions at each of the administrative	3397
departments listed in section 121.02 of the Revised Code and at	3398
the department of taxation, department of the adjutant general,	3399
department of education, Ohio board of regents, bureau of workers'	3400
compensation, industrial commission, state lottery commission, and	3401
public utilities commission of Ohio that the head of that	3402
administrative department or of that other state agency determines	3403
to be involved in policy development and implementation. The head	3404
of the administrative department or other state agency shall set	3405
the compensation for employees in these positions at a rate that	3406
is not less than the minimum compensation specified in pay range	3407
41 but not more than the maximum compensation specified in pay	3408
range 44 of salary schedule E-2 in section 124.152 of the Revised	3409
Code. The authority to establish positions in the unclassified	3410
service under division (A)(26) of this section is in addition to	3411
and does not limit any other authority that an administrative	3412

department or state agency has under the Revised Code to establish 3413
positions, appoint employees, or set compensation. 3414

(27) Employees of the department of agriculture employed 3415
under section 901.09 of the Revised Code; 3416

(28) For cities, counties, civil service townships, city 3417
health districts, general health districts, and city school 3418
districts, the deputies and assistants of elective or principal 3419
executive officers authorized to act for and in the place of their 3420
principals or holding a fiduciary relation to their principals; 3421

(29) Employees who receive external interim, intermittent, or 3422
temporary appointments under division (B) of section 124.30 of the 3423
Revised Code; 3424

(30) Employees appointed to administrative staff positions 3425
for which an appointing authority is given specific statutory 3426
authority to set compensation; 3427

(31) Employees appointed to highway patrol cadet or highway 3428
patrol cadet candidate classifications. 3429

(B) The classified service shall comprise all persons in the 3430
employ of the state and the several counties, cities, city health 3431
districts, general health districts, and city school districts 3432
thereof, not specifically included in the unclassified service. 3433
Upon the creation by the board of trustees of a civil service 3434
township civil service commission, the classified service shall 3435
also comprise, except as otherwise provided in division (A)(17) or 3436
(C) of this section, all persons in the employ of civil service 3437
township police or fire departments having ten or more full-time 3438
paid employees. The classified service consists of two classes, 3439
which shall be designated as the competitive class and the 3440
unskilled labor class. 3441

(1) The competitive class shall include all positions and 3442

employments in the state and the counties, cities, city health 3443
districts, general health districts, and city school districts 3444
thereof, and upon the creation by the board of trustees of a civil 3445
service township of a township civil service commission all 3446
positions in civil service township police or fire departments 3447
having ten or more full-time paid employees, for which it is 3448
practicable to determine the merit and fitness of applicants by 3449
competitive examinations. Appointments shall be made to, or 3450
employment shall be given in, all positions in the competitive 3451
class that are not filled by promotion, reinstatement, transfer, 3452
or reduction, as provided in this chapter, and the rules of the 3453
director of administrative services, by appointment from those 3454
certified to the appointing officer in accordance with this 3455
chapter. 3456

(2) The unskilled labor class shall include ordinary 3457
unskilled laborers. Vacancies in the labor class shall be filled 3458
by appointment from lists of applicants registered by the 3459
director. The director or the commission, by rule, shall require 3460
an applicant for registration in the labor class to furnish such 3461
evidence or take such tests as the director considers proper with 3462
respect to age, residence, physical condition, ability to labor, 3463
honesty, sobriety, industry, capacity, and experience in the work 3464
or employment for which application is made. Laborers who fulfill 3465
the requirements shall be placed on the eligible list for the kind 3466
of labor or employment sought, and preference shall be given in 3467
employment in accordance with the rating received from such 3468
evidence or in such tests. Upon the request of an appointing 3469
officer, stating the kind of labor needed, the pay and probable 3470
length of employment, and the number to be employed, the director 3471
shall certify from the highest on the list double the number to be 3472
employed; from this number the appointing officer shall appoint 3473
the number actually needed for the particular work. If more than 3474

one applicant receives the same rating, priority in time of
application shall determine the order in which their names shall
be certified for appointment.

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

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

An appointing authority whose employees are paid directly by
warrant of the ~~auditor of state~~ director of budget and management
may appoint a person who holds a certified position in the
classified service within the appointing authority's agency to a
position in the unclassified service within that agency. A person
appointed pursuant to this division to a position in the
unclassified service shall retain the right to resume the position
and status held by the person in the classified service
immediately prior to the person's appointment to the position in
the unclassified service, regardless of the number of positions
the person held in the unclassified service. Reinstatement to a
position in the classified service shall be to a position
substantially equal to that position in the classified service
held previously, as certified by the director of administrative
services. If the position the person previously held in the
classified service has been placed in the unclassified service or
is otherwise unavailable, the person shall be appointed to a
position in the classified service within the appointing
authority's agency that the director of administrative services
certifies is comparable in compensation to the position the person

previously held in the classified service. Service in the position 3507
in the unclassified service shall be counted as service in the 3508
position in the classified service held by the person immediately 3509
prior to the person's appointment to the position in the 3510
unclassified service. When a person is reinstated to a position in 3511
the classified service as provided in this division, the person is 3512
entitled to all rights, status, and benefits accruing to the 3513
position in the classified service during the person's time of 3514
service in the position in the unclassified service. 3515

Sec. 124.137. There is hereby created in the state treasury 3516
the parental leave benefit fund. The director of administrative 3517
services shall use moneys credited to the fund solely for the 3518
payment of parental leave benefits available to employees paid by 3519
warrant of the ~~auditor of state~~ director of budget and management 3520
and for payment of any direct and indirect costs that are 3521
attributable to consultants or a third-party administrator and 3522
that are necessary to administer this section. All investment 3523
earnings of the parental leave fund shall be credited to the fund. 3524

The director of administrative services, in consultation with 3525
the director of budget and management, shall determine a rate at 3526
which the payrolls of all state agencies with employees paid by 3527
warrant of the ~~auditor of state~~ director of budget and management 3528
shall be charged each pay period that is sufficient to cover the 3529
costs of administering the parental leave benefit program. The 3530
rate shall be based on the total number of such employees and may 3531
be adjusted as the director of administrative services, in 3532
consultation with the director of budget and management, considers 3533
necessary. All money collected from the assessment shall be 3534
credited to the parental leave benefit fund. 3535

Sec. 124.138. The director of administrative services may 3536
establish paid leaves and employee benefits for eligible full-time 3537

fire fighters employed by the adjutant general's department that 3538
are comparable to paid leaves and employee benefits provided to 3539
other full-time permanent employees paid directly by warrant of 3540
the ~~auditor of state~~ director of budget and management. Any paid 3541
leaves and employee benefits established under this section shall 3542
be limited to fire fighters regularly scheduled to work at least 3543
one hundred four hours per biweekly pay period and shall be 3544
adjusted so that the ratio between the hours worked and the paid 3545
leave hours earned shall be the same as the ratio between the 3546
hours worked and the paid leave hours earned by full-time 3547
permanent employees with the same amount of accrued service. The 3548
director of administrative services shall adopt rules in 3549
accordance with Chapter 119. of the Revised Code governing any 3550
paid leaves and employee benefits established under this section. 3551

Sec. 124.139. (A) A full-time state employee shall receive up 3552
to two hundred forty hours of leave with pay during each calendar 3553
year to use during those hours when the employee is absent from 3554
work because of the employee's donation of any portion of an adult 3555
liver or because of the employee's donation of an adult kidney. 3556

(B) A full-time state employee shall receive up to fifty-six 3557
hours of leave with pay during each calendar year to use during 3558
those hours when the employee is absent from work because of the 3559
employee's donation of adult bone marrow. 3560

(C) An appointing authority shall compensate a full-time 3561
state employee who uses leave granted under division (A) or (B) of 3562
this section at the employee's regular rate of pay for those 3563
regular work hours during which the employee is absent from work. 3564

(D)(1) The director of administrative services, under section 3565
124.04 of the Revised Code, shall provide information about this 3566
section to full-time employees who are paid directly by warrant of 3567
the ~~auditor of state~~ director of budget and management. 3568

(2) The appointing authority of full-time employees who are 3569
not paid directly by warrant of the ~~auditor of state~~ director of 3570
budget and management shall periodically provide information about 3571
this section to those employees. 3572

Sec. 124.14. (A)(1) The director of administrative services 3573
shall establish, and may modify or repeal, by rule, a job 3574
classification plan for all positions, offices, and employments 3575
the salaries of which are paid in whole or in part by the state. 3576
The director shall group jobs within a classification so that the 3577
positions are similar enough in duties and responsibilities to be 3578
described by the same title, to have the same pay assigned with 3579
equity, and to have the same qualifications for selection applied. 3580
The director shall, by rule, assign a classification title to each 3581
classification within the classification plan. However, the 3582
director shall consider in establishing classifications, including 3583
classifications with parenthetical titles, and assigning pay 3584
ranges such factors as duties performed only on one shift, special 3585
skills in short supply in the labor market, recruitment problems, 3586
separation rates, comparative salary rates, the amount of training 3587
required, and other conditions affecting employment. The director 3588
shall describe the duties and responsibilities of the class and 3589
establish the qualifications for being employed in that position, 3590
and shall file with the secretary of state a copy of 3591
specifications for all of the classifications. The director shall 3592
file new, additional, or revised specifications with the secretary 3593
of state before being used. 3594

The director shall, by rule, assign each classification, 3595
either on a statewide basis or in particular counties or state 3596
institutions, to a pay range established under section 124.15 or 3597
section 124.152 of the Revised Code. The director may assign a 3598
classification to a pay range on a temporary basis for a period of 3599

time designated in the rule. The director may establish, by rule 3600
adopted under Chapter 119. of the Revised Code, experimental 3601
classification plans for some or all employees paid directly by 3602
warrant of the ~~auditor of state~~ director of budget and management. 3603
The rule shall include specifications for each classification 3604
within the plan and shall specifically address compensation 3605
ranges, and methods for advancing within the ranges, for the 3606
classifications, which may be assigned to pay ranges other than 3607
the pay ranges established under section 124.15 or 124.152 of the 3608
Revised Code. 3609

(2) The director of administrative services may reassign to a 3610
proper classification those positions that have been assigned to 3611
an improper classification. If the compensation of an employee in 3612
such a reassigned position exceeds the maximum rate of pay for the 3613
employee's new classification, the employee shall be placed in pay 3614
step X and shall not receive an increase in compensation until the 3615
maximum rate of pay for that classification exceeds the employee's 3616
compensation. 3617

(3) The director may reassign an exempt employee, as defined 3618
in section 124.152 of the Revised Code, to a bargaining unit 3619
classification if the director determines that the bargaining unit 3620
classification is the proper classification for that employee. 3621
Notwithstanding Chapter 4117. of the Revised Code or instruments 3622
and contracts negotiated under it, such placements are at the 3623
director's discretion. 3624

(4) The director shall, by rule, assign related 3625
classifications, which form a career progression, to a 3626
classification series. The director shall, by rule, assign each 3627
classification in the classification plan a five-digit number, the 3628
first four digits of which shall denote the classification series 3629
to which the classification is assigned. When a career progression 3630
encompasses more than ten classifications, the director shall, by 3631

rule, identify the additional classifications belonging to a 3632
classification series. Such additional classifications shall be 3633
part of the classification series, notwithstanding the fact that 3634
the first four digits of the number assigned to the additional 3635
classifications do not correspond to the first four digits of the 3636
numbers assigned to other classifications in the classification 3637
series. 3638

(5) The director shall adopt rules in accordance with Chapter 3639
119. of the Revised Code for the establishment of a classification 3640
plan for county agencies that elect not to use the services and 3641
facilities of a county personnel department. The rules shall 3642
include a methodology for the establishment of titles unique to 3643
county agencies, the use of state classification titles and 3644
classification specifications for common positions, the criteria 3645
for a county to meet in establishing its own classification plan, 3646
and the establishment of what constitutes a classification series 3647
for county agencies. 3648

(B) Division (A) of this section and sections 124.15 and 3649
124.152 of the Revised Code do not apply to the following persons, 3650
positions, offices, and employments: 3651

(1) Elected officials; 3652

(2) Legislative employees, employees of the legislative 3653
service commission, employees in the office of the governor, 3654
employees who are in the unclassified civil service and exempt 3655
from collective bargaining coverage in the office of the secretary 3656
of state, auditor of state, treasurer of state, and attorney 3657
general, and employees of the supreme court; 3658

(3) Employees of a county children services board that 3659
establishes compensation rates under section 5153.12 of the 3660
Revised Code; 3661

(4) Any position for which the authority to determine 3662

compensation is given by law to another individual or entity; 3663

(5) Employees of the bureau of workers' compensation whose 3664
compensation the administrator of workers' compensation 3665
establishes under division (B) of section 4121.121 of the Revised 3666
Code. 3667

(C) The director may employ a consulting agency to aid and 3668
assist the director in carrying out this section. 3669

(D)(1) When the director proposes to modify a classification 3670
or the assignment of classes to appropriate pay ranges, the 3671
director shall send written notice of the proposed rule to the 3672
appointing authorities of the affected employees thirty days 3673
before the hearing on the proposed rule. The appointing 3674
authorities shall notify the affected employees regarding the 3675
proposed rule. The director shall also send such appointing 3676
authorities notice of any final rule which is adopted within ten 3677
days after adoption. 3678

(2) When the director proposes to reclassify any employee so 3679
that the employee is adversely affected, the director shall give 3680
to the employee affected and to the employee's appointing 3681
authority a written notice setting forth the proposed new 3682
classification, pay range, and salary. Upon the request of any 3683
classified employee who is not serving in a probationary period, 3684
the director shall perform a job audit to review the 3685
classification of the employee's position to determine whether the 3686
position is properly classified. The director shall give to the 3687
employee affected and to the employee's appointing authority a 3688
written notice of the director's determination whether or not to 3689
reclassify the position or to reassign the employee to another 3690
classification. An employee or appointing authority desiring a 3691
hearing shall file a written request for the hearing with the 3692
state personnel board of review within thirty days after receiving 3693

the notice. The board shall set the matter for a hearing and
notify the employee and appointing authority of the time and place
of the hearing. The employee, appointing authority, or any
authorized representative of the employee who wishes to submit
facts for the consideration of the board shall be afforded
reasonable opportunity to do so. After the hearing, the board
shall consider anew the reclassification and may order the
reclassification of the employee and require the director to
assign the employee to such appropriate classification as the
facts and evidence warrant. As provided in division (A) of section
124.03 of the Revised Code, the board may determine the most
appropriate classification for the position of any employee coming
before the board, with or without a job audit. The board shall
disallow any reclassification or reassignment classification of
any employee when it finds that changes have been made in the
duties and responsibilities of any particular employee for
political, religious, or other unjust reasons.

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

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

(b) Notwithstanding any other section of the Revised Code,
establish alternative schedules of sick leave, vacation leave,
personal leave, or other benefits for employees not inconsistent

with the provisions of a collective bargaining agreement covering 3726
the affected employees. 3727

(2) The provisions of division (E)(1) of this section do not 3728
apply to employees for whom the state employment relations board 3729
establishes appropriate bargaining units pursuant to section 3730
4117.06 of the Revised Code, except in either of the following 3731
situations: 3732

(a) The employees for whom the state employment relations 3733
board establishes appropriate bargaining units elect no 3734
representative in a board-conducted representation election. 3735

(b) After the state employment relations board establishes 3736
appropriate bargaining units for such employees, all employee 3737
organizations withdraw from a representation election. 3738

(F) With respect to officers and employees of state-supported 3739
colleges and universities and except for the powers and duties of 3740
the state personnel board of review set forth in section 124.03 of 3741
the Revised Code, the powers, duties, and functions of the 3742
department of administrative services and of the director of 3743
administrative services specified in this chapter are hereby 3744
vested in and assigned to the boards of trustees of those colleges 3745
and universities, or those officers to whom the boards of trustees 3746
have delegated these powers, duties, and functions, subject to a 3747
periodic audit and review by the director. In exercising the 3748
powers, duties, and functions of the director, the boards of 3749
trustees or the officers to whom these powers, duties, and 3750
functions were delegated need not establish a job classification 3751
plan for unclassified employees and may proceed under section 3752
111.15 of the Revised Code when exercising the director's 3753
rule-making authority. The adoption, amendment, rescission, and 3754
enforcement of rules under this division is not subject to 3755
approval, disapproval, or modification by the state personnel 3756

board of review. Nothing in this division shall be construed to 3757
limit the right of any classified employee who possesses the right 3758
of appeal to the state personnel board of review to continue to 3759
possess that right of appeal. 3760

Upon the director's determination or finding of the misuse by 3761
the board of trustees of or a designated officer of a 3762
state-supported college or university of the authority granted 3763
under this division, the director shall order and direct the 3764
personnel functions of that state-supported college or university 3765
until sections 124.01 to 124.64 of the Revised Code have been 3766
fully complied with. 3767

(G)(1) Each board of county commissioners may, by a 3768
resolution adopted by a majority of its members, establish a 3769
county personnel department to exercise the powers, duties, and 3770
functions specified in division (G) of this section. As used in 3771
division (G) of this section, "county personnel department" means 3772
a county personnel department established by a board of county 3773
commissioners under division (G)(1) of this section. 3774

(2) Each board of county commissioners may, by a resolution 3775
adopted by a majority of its members, designate the county 3776
personnel department of the county to exercise the powers, duties, 3777
and functions of the department of administrative services and the 3778
director of administrative services specified in sections 124.01 3779
to 124.64 and Chapter 325. of the Revised Code, except for the 3780
powers and duties of the state personnel board of review, which 3781
powers and duties shall not be construed as having been modified 3782
or diminished in any manner by division (G)(2) of this section, 3783
with respect to the employees for whom the board of county 3784
commissioners is the appointing authority or co-appointing 3785
authority. Upon certification of a copy of the resolution by the 3786
board to the director, these powers, duties, and functions are 3787
vested in and assigned to the county personnel department with 3788

respect to the employees for whom the board of county
commissioners is the appointing authority or co-appointing
authority. The certification to the director shall be provided not
later than one hundred twenty days before the first day of July of
an odd-numbered year, and, following the certification, the
powers, duties, and functions specified in sections 124.01 to
124.64 and Chapter 325. of the Revised Code shall be vested in and
assigned to the county personnel department on that first day of
July. Nothing in division (G)(2) of this section shall be
construed to limit the right of any employee who possesses the
right of appeal to the state personnel board of review to continue
to possess that right of appeal.

Any board of county commissioners that has established a
county personnel department may contract with the department of
administrative services, another political subdivision, or an
appropriate public or private entity to provide competitive
testing services or other appropriate services.

(3) After the county personnel department of a county has
assumed the powers, duties, and functions of the department of
administrative services and the director as described in division
(G)(2) of this section, any elected official, board, agency, or
other appointing authority of that county may, upon notification
to the director, elect to use the services and facilities of the
county personnel department. Upon the acceptance by the director
of such notification, the county personnel department shall
exercise the powers, duties, and functions of the department of
administrative services and the director as described in division
(G)(2) of this section with respect to the employees of that
elected official, board, agency, or other appointing authority.
The notification to the director shall be provided not later than
one hundred twenty days before the first day of July of an
odd-numbered year, and, following the notification, the powers,

duties, and functions specified in sections 124.01 to 124.64 and 3821
Chapter 325. of the Revised Code with respect to the employees of 3822
that elected official, board, agency, or other appointing 3823
authority shall be vested in and assigned to the county personnel 3824
department on that first day of July. Except for those employees 3825
under the jurisdiction of the county personnel department, the 3826
director shall continue to exercise these powers, duties, and 3827
functions with respect to employees of the county. 3828

(4) Each board of county commissioners that has established a 3829
county personnel department may, by a resolution adopted by a 3830
majority of its members, disband the county personnel department 3831
and return to the department of administrative services for the 3832
administration of sections 124.01 to 124.64 and Chapter 325. of 3833
the Revised Code. The board shall, not later than one hundred 3834
twenty days before the first day of July of an odd-numbered year, 3835
send the director a certified copy of the resolution disbanding 3836
the county personnel department. All powers, duties, and functions 3837
previously vested in and assigned to the county personnel 3838
department shall return to the director on that first day of July. 3839

(5) Any elected official, board, agency, or appointing 3840
authority of a county may return to the department of 3841
administrative services for the administration of sections 124.01 3842
to 124.64 and Chapter 325. of the Revised Code. The elected 3843
official, board, agency, or appointing authority shall, not later 3844
than one hundred twenty days before the first day of July of an 3845
odd-numbered year, send the director a certified copy of the 3846
resolution that states its decision. All powers, duties, and 3847
functions previously vested in and assigned to the county 3848
personnel department with respect to the employees of that elected 3849
official, board, agency, or appointing authority shall return to 3850
the director on that first day of July. 3851

(6) The director, by rule adopted in accordance with Chapter 3852

119. of the Revised Code, shall prescribe criteria and procedures 3853
for granting to each county personnel department the powers, 3854
duties, and functions of the department of administrative services 3855
and the director as described in division (G)(2) of this section 3856
with respect to the employees of an elected official, board, 3857
agency, or other appointing authority or co-appointing authority. 3858
The rules shall cover the following criteria and procedures: 3859

(a) The notification to the department of administrative 3860
services that an elected official, board, agency, or other 3861
appointing authority of a county has elected to use the services 3862
and facilities of the county personnel department; 3863

(b) A requirement that each county personnel department, in 3864
carrying out its duties, adhere to merit system principles with 3865
regard to employees of county departments of job and family 3866
services, child support enforcement agencies, and public child 3867
welfare agencies so that there is no threatened loss of federal 3868
funding for these agencies, and a requirement that the county be 3869
financially liable to the state for any loss of federal funds due 3870
to the action or inaction of the county personnel department. The 3871
costs associated with audits conducted to monitor compliance with 3872
division (G)(6)(b) of this section shall be borne equally by the 3873
department of administrative services and the county. 3874

(c) The termination of services and facilities rendered by 3875
the department of administrative services, to include rate 3876
adjustments, time periods for termination, and other related 3877
matters; 3878

(d) Authorization for the director of administrative services 3879
to conduct periodic audits and reviews of county personnel 3880
departments to guarantee the uniform application of this granting 3881
of the director's powers, duties, and functions. The costs of the 3882
audits and reviews shall be borne equally by the department of 3883

administrative services and the county for which the services were 3884
performed. 3885

(e) The dissemination of audit findings under division 3886
(G)(5)(d) of this section, any appeals process relating to adverse 3887
findings by the department, and the methods whereby the county 3888
personnel program will revert to the authority of the director of 3889
administrative services due to misuse or nonuniform application of 3890
the authority granted to the county under division (G)(2) or (3) 3891
of this section. 3892

(H) The director of administrative services shall establish 3893
the rate and method of compensation for all employees who are paid 3894
directly by warrant of the ~~auditor of state~~ director of budget and 3895
management and who are serving in positions which the director of 3896
administrative services has determined impracticable to include in 3897
the state job classification plan. This division does not apply to 3898
elected officials, legislative employees, employees of the 3899
legislative service commission, employees who are in the 3900
unclassified civil service and exempt from collective bargaining 3901
coverage in the office of the secretary of state, auditor of 3902
state, treasurer of state, and attorney general, employees of the 3903
courts, employees of the bureau of workers' compensation whose 3904
compensation the administrator of workers' compensation 3905
establishes under division (B) of section 4121.121 of the Revised 3906
Code, or employees of an appointing authority authorized by law to 3907
fix the compensation of those employees. 3908

(I) The director shall set the rate of compensation for all 3909
intermittent, interim, seasonal, temporary, emergency, and casual 3910
employees who are not considered public employees under section 3911
4117.01 of the Revised Code. Such employees are not entitled to 3912
receive employee benefits. This rate of compensation shall be 3913
equitable in terms of the rate of employees serving in the same or 3914
similar classifications. This division does not apply to elected 3915

officials, legislative employees, employees of the legislative
service commission, 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, employees of the courts, employees of
the bureau of workers' compensation whose compensation the
administrator establishes under division (B) of section 4121.121
of the Revised Code, or employees of an appointing authority
authorized by law to fix the compensation of those employees.

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

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

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 3947
and (3) of this section, each exempt employee shall be paid a 3948
salary or wage in accordance with schedule E-1 or schedule E-2 of 3949
division (B) or (C) of this section. 3950

(2) Each exempt employee who holds a position in the 3951
unclassified civil service pursuant to division (A)(26) or (30) of 3952
section 124.11 of the Revised Code may be paid a salary or wage in 3953
accordance with schedule E-1, schedule E-1 for step seven only, or 3954
schedule E-2 of division (B), (C), (D), or (E) of this section, as 3955
applicable. 3956

(3)(a) Except as provided in division (A)(3)(b) of this 3957
section, each exempt employee who was paid a salary or wage at 3958
step 7 in the employee's pay range on June 28, 2003, in accordance 3959
with the applicable schedule E-1 of former section 124.152 of the 3960
Revised Code and who continued to be so paid on June 29, 2003, 3961
shall be paid a salary or wage in the corresponding pay range in 3962
schedule E-1 for step seven only of division (D) or (E) of this 3963
section for as long as the employee remains in the position the 3964
employee held as of July 1, 2003. 3965

(b) Except as provided in division (A)(3)(c) of this section, 3966
if an exempt employee who is being paid a salary or wage in 3967
accordance with schedule E-1 for step seven only of division (D) 3968
or (E) of this section moves to another position, the employee 3969
shall not receive a salary or wage for that position or any other 3970
position in the future in accordance with that schedule. 3971

(c) If an exempt employee who is being paid a salary or wage 3972
in accordance with schedule E-1 for step seven only of division 3973
(D) or (E) of this section moves to another position assigned to 3974
pay range 12 or above, the appointing authority has the discretion 3975
to assign the employee to be paid a salary or wage in the 3976
appropriate pay range for that position in accordance with 3977

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			3990
	Annually	18262	19053	19885	20738			3991
2	Hourly	10.64	11.09	11.58	12.08			3992
	Annually	22131	23067	24086	25126			3993
3	Hourly	11.14	11.65	12.16	12.69			3994
	Annually	23171	24232	25293	26395			3995
4	Hourly	11.70	12.23	12.81	13.38			3996
	Annually	24336	25438	26645	27830			3997
5	Hourly	12.28	12.84	13.38	13.97			3998
	Annually	25542	26707	27830	29058			3999
6	Hourly	12.94	13.47	14.07	14.64			4000
	Annually	26915	28018	29266	30451			4001
7	Hourly	13.74	14.26	14.83	15.35	15.94		4002
	Annually	28579	29661	30846	31928	33155		4003
8	Hourly	14.53	15.16	15.83	16.53	17.23		4004
	Annually	30222	31533	32926	34382	35838		4005
9	Hourly	15.50	16.30	17.11	17.95	18.87		4006
	Annually	32240	33904	35589	37336	39250		4007
10	Hourly	16.72	17.63	18.58	19.65	20.70		4008
	Annually	34778	36670	38646	40872	43056		4009

11	Hourly	18.20	19.27	20.38	21.53	22.76		4010
	Annually	37856	40082	42390	44782	47341		4011
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	4012
	Annually	41766	44117	46488	49067	51792	54621	4013
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	4014
	Annually	46030	48568	51230	53976	56992	60112	4015
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	4016
	Annually	50648	53498	56368	59467	62816	66310	4017
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	4018
	Annually	55619	58739	62067	65478	69098	72925	4019
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	4020
	Annually	61318	64730	68307	72114	76107	80434	4021
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	4022
	Annually	67579	71302	75296	79456	83886	88566	4023
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	4024
	Annually	74464	78582	82992	87589	92414	97594	4025
	Schedule E-2							4026
	Range			Minimum			Maximum	4027
41	Hourly			16.23			32.46	4028
	Annually			33758			67517	4029
42	Hourly			17.89			35.86	4030
	Annually			37211			74589	4031
43	Hourly			19.70			39.49	4032
	Annually			40976			82139	4033
44	Hourly			21.73			43.13	4034
	Annually			45198			89710	4035
45	Hourly			24.01			47.09	4036
	Annually			49941			97947	4037
46	Hourly			26.43			51.46	4038
	Annually			54974			107037	4039
47	Hourly			29.14			56.16	4040
	Annually			60611			116813	4041
48	Hourly			32.14			61.29	4042

	Annually	66851	127483	4043
49	Hourly	35.44	66.18	4044
	Annually	73715	137654	4045

(C) Beginning on the first day of the pay period that 4046
includes July 1, 2005, each exempt employee who must be paid in 4047
accordance with schedule E-1 or schedule E-2 of this section shall 4048
be paid a salary or wage in accordance with the following schedule 4049
of rates: 4050

Schedule E-1 4051

Pay Ranges and Step Values 4052

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	4053
1	Hourly	9.13	9.53	9.94	10.37			4054
	Annually	18990	19822	20675	21570			4055
2	Hourly	11.07	11.53	12.04	12.56			4056
	Annually	23026	23982	25043	26125			4057
3	Hourly	11.59	12.12	12.65	13.20			4058
	Annually	24107	25210	26312	27456			4059
4	Hourly	12.17	12.72	13.32	13.92			4060
	Annually	25314	26458	27706	28954			4061
5	Hourly	12.77	13.35	13.92	14.53			4062
	Annually	26562	27768	28954	30222			4063
6	Hourly	13.46	14.01	14.63	15.23			4064
	Annually	27997	29141	30430	31678			4065
7	Hourly	14.29	14.83	15.42	15.96	16.58		4066
	Annually	29723	30846	32074	33197	34486		4067
8	Hourly	15.11	15.77	16.46	17.19	17.92		4068
	Annually	31429	32802	34237	35755	37274		4069
9	Hourly	16.12	16.95	17.79	18.67	19.62		4070
	Annually	33530	35256	37003	38834	40810		4071
10	Hourly	17.39	18.34	19.32	20.44	21.53		4072
	Annually	36171	38147	40186	42515	44782		4073

11	Hourly	18.93	20.04	21.20	22.39	23.67		4075
	Annually	39374	41683	44096	46571	49234		4076
12	Hourly	20.88	22.06	23.24	24.53	25.90	27.31	4077
	Annually	43430	45885	48339	51022	53872	56805	4078
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	4079
	Annually	47882	50502	53290	56139	59280	62525	4080
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	4081
	Annually	52666	55640	58614	61838	65333	68973	4082
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	4083
	Annually	57845	61090	64542	68099	71864	75837	4084
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	4085
	Annually	63773	67309	71032	75005	79144	83658	4086
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	4087
	Annually	70283	74152	78312	82638	87235	92102	4088
18	Hourly	37.23	39.29	41.50	43.79	46.21	48.80	4089
	Annually	77438	81723	86320	91083	96117	101504	4090
	Schedule E-2							4091
	Range			Minimum			Maximum	4092
41	Hourly			16.23			33.76	4093
	Annually			33758			70221	4094
42	Hourly			17.89			37.29	4095
	Annually			37211			77563	4096
43	Hourly			19.70			41.07	4097
	Annually			40976			85426	4098
44	Hourly			21.73			44.86	4099
	Annually			45198			93309	4100
45	Hourly			24.01			48.97	4101
	Annually			49941			101858	4102
46	Hourly			26.43			53.52	4103
	Annually			54974			111322	4104
47	Hourly			29.14			58.41	4105
	Annually			60611			121493	4106
48	Hourly			32.14			63.74	4107

	Annually	66851	132579	4108
49	Hourly	35.44	68.83	4109
	Annually	73715	143166	4110

(D) Beginning on the first day of the pay period that 4111
includes July 1, 2003, each exempt employee who must be paid in 4112
accordance with schedule E-1 for step seven only shall be paid a 4113
salary or wage in accordance with the following schedule of rates: 4114

Schedule E-1 for Step Seven Only 4115

Pay Ranges and Step Seven Values 4116

	Range			4117
12	Hourly	27.71		4118
	Annually	57637		4119
13	Hourly	30.49		4120
	Annually	63419		4121
14	Hourly	33.62		4122
	Annually	69930		4123
15	Hourly	36.98		4124
	Annually	76918		4125
16	Hourly	40.80		4126
	Annually	84864		4127
17	Hourly	44.93		4128
	Annually	93454		4129
18	Hourly	49.50		4130
	Annually	102960		4131

(E) Beginning on the first day of the pay period that 4132
includes July 1, 2005, each exempt employee who must be paid in 4133
accordance with schedule E-1 for step seven only shall be paid a 4134
salary or wage in accordance with the following schedule of rates: 4135

Schedule E-1 for Step Seven Only 4136

Pay Ranges and Step Seven Values 4137

	Range			4138
12	Hourly	28.82		4139

	Annually	59946	4140
13	Hourly	31.71	4141
	Annually	65957	4142
14	Hourly	34.96	4143
	Annually	72717	4144
15	Hourly	38.46	4145
	Annually	79997	4146
16	Hourly	42.43	4147
	Annually	88254	4148
17	Hourly	46.73	4149
	Annually	97198	4150
18	Hourly	51.48	4151
	Annually	107078	4152

(F) As used in this section, "exempt employee" means a 4153
permanent full-time or permanent part-time employee paid directly 4154
by warrant of the ~~auditor of state~~ director of budget and 4155
management whose position is included in the job classification 4156
plan established under division (A) of section 124.14 of the 4157
Revised Code but who is not considered a public employee for the 4158
purposes of Chapter 4117. of the Revised Code. As used in this 4159
section, "exempt employee" also includes a permanent full-time or 4160
permanent part-time employee of the secretary of state, auditor of 4161
state, treasurer of state, or attorney general who has not been 4162
placed in an appropriate bargaining unit by the state employment 4163
relations board. 4164

Sec. 124.18. (A) Forty hours shall be the standard work week 4165
for all employees whose salary or wage is paid in whole or in part 4166
by the state or by any state-supported college or university. When 4167
any employee whose salary or wage is paid in whole or in part by 4168
the state or by any state-supported college or university is 4169
required by an authorized administrative authority to be in an 4170
active pay status more than forty hours in any calendar week, the 4171

employee shall be compensated for such time over forty hours, 4172
except as otherwise provided in this section, at one and one-half 4173
times the employee's regular rate of pay. The use of sick leave 4174
shall not be considered to be active pay status for the purposes 4175
of earning overtime or compensatory time by employees whose wages 4176
are paid directly by warrant of the ~~auditor of state~~ director of 4177
budget and management. A flexible-hours employee is not entitled 4178
to compensation for overtime work unless the employee's authorized 4179
administrative authority required the employee to be in active pay 4180
status for more than forty hours in a calendar week, regardless of 4181
the number of hours the employee works on any day in the same 4182
calendar week. 4183

Such compensation for overtime work shall be paid no later 4184
than at the conclusion of the next succeeding pay period. 4185

If the employee elects to take compensatory time off in lieu 4186
of overtime pay for any overtime worked, such compensatory time 4187
shall be granted by the employee's administrative superior, on a 4188
time and one-half basis, at a time mutually convenient to the 4189
employee and the administrative superior. An employee may accrue 4190
compensatory time to a maximum of two hundred forty hours, except 4191
that public safety employees and other employees who meet the 4192
criteria established in the "Federal Fair Labor Standards Act of 4193
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue 4194
a maximum of four hundred eighty hours of compensatory time. An 4195
employee shall be paid at the employee's regular rate of pay for 4196
any hours of compensatory time accrued in excess of these maximum 4197
amounts if the employee has not used the compensatory time within 4198
one hundred eighty days after it is granted, if the employee 4199
transfers to another agency of the state, or if a change in the 4200
employee's status exempts the employee from the payment of 4201
overtime compensation. Upon the termination of employment, any 4202
employee with accrued but unused compensatory time shall be paid 4203

for that time at a rate that is the greater of the employee's 4204
final regular rate of pay or the employee's average regular rate 4205
of pay during the employee's last three years of employment with 4206
the state. 4207

No overtime, as described in this section, can be paid unless 4208
it has been authorized by the authorized administrative authority. 4209
Employees may be exempted from the payment of compensation as 4210
required by this section only under the criteria for exemption 4211
from the payment of overtime compensation established in the 4212
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 4213
U.S.C.A. 207, 213, as amended. With the approval of the director 4214
of administrative services, the appointing authority may establish 4215
a policy to grant compensatory time or to pay compensation to 4216
state employees who are exempt from overtime compensation. With 4217
the approval of the board of county commissioners, a county human 4218
services department may establish a policy to grant compensatory 4219
time or to pay compensation to employees of the department who are 4220
exempt from overtime compensation. 4221

(B) An employee, whose salary or wage is paid in whole or in 4222
part by the state, shall be paid for the holidays declared in 4223
section 124.19 of the Revised Code and shall not be required to 4224
work on those holidays, unless, in the opinion of the employee's 4225
responsible administrative authority, failure to work on those 4226
holidays would impair the public service. An employee paid 4227
directly by warrant of the ~~auditor of state~~ director of budget and 4228
management who is scheduled to work on a holiday and who does not 4229
report to work due to an illness of the employee or of a member of 4230
the employee's immediate family shall not receive holiday pay as 4231
provided by this division. An employee also shall not be paid for 4232
a holiday unless the employee was in active pay status on the 4233
scheduled work day immediately preceding the holiday. 4234

If any of the holidays declared in section 124.19 of the 4235

Revised Code falls on Saturday, the Friday immediately preceding 4236
shall be observed as the holiday. If any of the holidays declared 4237
in section 124.19 of the Revised Code falls on Sunday, the Monday 4238
immediately succeeding shall be observed as the holiday. Employees 4239
whose work schedules are based on the requirements of a 4240
seven-days-a-week work operation shall observe holidays on the 4241
actual days specified in section 124.19 of the Revised Code. 4242

If an employee's work schedule is other than Monday through 4243
Friday, the employee shall be entitled to holiday pay for holidays 4244
observed on the employee's day off regardless of the day of the 4245
week on which they are observed. A full-time permanent employee is 4246
entitled to eight hours of pay for each holiday regardless of the 4247
employee's work shift and work schedule. A flexible-hours employee 4248
is entitled to holiday pay for the number of hours for which the 4249
employee normally would have been scheduled to work. Part-time 4250
permanent employees shall be paid holiday pay for that portion of 4251
any holiday for which they would normally have been scheduled to 4252
work. When an employee who is eligible for overtime pay under this 4253
section is required by the employee's responsible administrative 4254
authority to work on the day observed as a holiday, the employee 4255
shall be entitled to pay for such time worked at one and one-half 4256
times the employee's regular rate of pay in addition to the 4257
employee's regular pay, or to be granted compensatory time off at 4258
time and one-half thereafter, at the employee's option. Payment at 4259
such rate shall be excluded in the calculation of hours in active 4260
pay status. 4261

(C) Each appointing authority may designate the number of 4262
employees in an agency who are flexible-hours employees. The 4263
appointing authority may establish for each flexible-hours 4264
employee a specified minimum number of hours to be worked each day 4265
that is consistent with the "Federal Fair Labor Standards Act of 4266
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 4267

(D) This section shall be uniformly administered for 4268
employees as defined in section 124.01 of the Revised Code and by 4269
the personnel departments of state-supported colleges and 4270
universities for employees of state-supported colleges and 4271
universities. If employees are not paid directly by warrant of the 4272
~~auditor of state~~ director of budget and management, the political 4273
subdivision shall determine whether the use of sick leave shall be 4274
considered to be active pay status for purposes of those employees 4275
earning overtime or compensatory time. 4276

(E) Policies relating to the payment of overtime pay or the 4277
granting of compensatory time off shall be adopted by the chief 4278
administrative officer of the house of representatives for 4279
employees of the house of representatives, by the clerk of the 4280
senate for employees of the senate, and by the director of the 4281
legislative service commission for all other legislative 4282
employees. 4283

(F) As used in this section, "regular rate of pay" means the 4284
base rate of pay an employee receives plus any pay supplements 4285
received pursuant to section 124.181 of the Revised Code. 4286

Sec. 124.181. (A) Except as provided in division (M) of this 4287
section, any employee paid in accordance with schedule B of 4288
section 124.15 or schedule E-1 or schedule E-1 for step seven only 4289
of section 124.152 of the Revised Code is eligible for the pay 4290
supplements provided in this section upon application by the 4291
appointing authority substantiating the employee's qualifications 4292
for the supplement and with the approval of the director of 4293
administrative services except as provided in division (E) of this 4294
section. 4295

(B)(1) Except as provided in section 124.183 of the Revised 4296
Code, in computing any of the pay supplements provided in this 4297
section for an employee paid in accordance with schedule B of 4298

section 124.15 of the Revised Code, the classification salary base 4299
shall be the minimum hourly rate of the pay range, provided in 4300
that section, in which the employee is assigned at the time of 4301
computation. 4302

(2) Except as provided in section 124.183 of the Revised 4303
Code, in computing any of the pay supplements provided in this 4304
section for an employee paid in accordance with schedule E-1 of 4305
section 124.152 of the Revised Code, the classification salary 4306
base shall be the minimum hourly rate of the pay range, provided 4307
in that section, in which the employee is assigned at the time of 4308
computation. 4309

(3) Except as provided in section 124.183 of the Revised 4310
Code, in computing any of the pay supplements provided in this 4311
section for an employee paid in accordance with schedule E-1 for 4312
step seven only of section 124.152 of the Revised Code, the 4313
classification salary base shall be the minimum hourly rate in the 4314
corresponding pay range, provided in schedule E-1 of that section, 4315
to which the employee is assigned at the time of the computation. 4316

(C) The effective date of any pay supplement, except as 4317
provided in section 124.183 of the Revised Code or unless 4318
otherwise provided in this section, shall be determined by the 4319
director. 4320

(D) The director shall, by rule, establish standards 4321
regarding the administration of this section. 4322

(E)(1) Except as otherwise provided in this division, 4323
beginning on the first day of the pay period within which the 4324
employee completes five years of total service with the state 4325
government or any of its political subdivisions, each employee in 4326
positions paid in accordance with schedule B of section 124.15 of 4327
the Revised Code or in accordance with schedule E-1 or schedule 4328
E-1 for step seven only of section 124.152 of the Revised Code 4329

shall receive an automatic salary adjustment equivalent to two and 4330
one-half per cent of the classification salary base, to the 4331
nearest whole cent. Each employee shall receive thereafter an 4332
annual adjustment equivalent to one-half of one per cent of the 4333
employee's classification salary base, to the nearest whole cent, 4334
for each additional year of qualified employment until a maximum 4335
of ten per cent of the employee's classification salary base is 4336
reached. The granting of longevity adjustments shall not be 4337
affected by promotion, demotion, or other changes in 4338
classification held by the employee, nor by any change in pay 4339
range for the employee's class or grade. Longevity pay adjustments 4340
shall become effective at the beginning of the pay period within 4341
which the employee completes the necessary length of service, 4342
except that when an employee requests credit for prior service, 4343
the effective date of the prior service credit and of any 4344
longevity adjustment shall be the first day of the pay period 4345
following approval of the credit by the director of administrative 4346
services. No employee, other than an employee who submits proof of 4347
prior service within ninety days after the date of the employee's 4348
hiring, shall receive any longevity adjustment for the period 4349
prior to the director's approval of a prior service credit. Time 4350
spent on authorized leave of absence shall be counted for this 4351
purpose. 4352

(2) An employee who has retired in accordance with the 4353
provisions of any retirement system offered by the state and who 4354
is employed by the state or any political subdivision of the state 4355
on or after June 24, 1987, shall not have prior service with the 4356
state or any political subdivision of the state counted for the 4357
purpose of determining the amount of the salary adjustment 4358
provided under this division. 4359

(3) There shall be a moratorium on employees' receipt under 4360
this division of credit for service with the state government or 4361

any of its political subdivisions during the period from July 1, 4362
2003, through June 30, 2005. In calculating the number of years of 4363
total service under this division, no credit shall be included for 4364
service during the moratorium. The moratorium shall apply to the 4365
employees of the secretary of state, the auditor of state, the 4366
treasurer of state, and the attorney general, who are subject to 4367
this section unless the secretary of state, the auditor of state, 4368
the treasurer of state, or the attorney general decides to exempt 4369
the office's employees from the moratorium and so notifies the 4370
director of administrative services in writing on or before July 4371
1, 2003. 4372

If an employee is exempt from the moratorium, receives credit 4373
for a period of service during the moratorium, and takes a 4374
position with another entity in the state government or any of its 4375
political subdivisions, either during or after the moratorium, and 4376
if that entity's employees are or were subject to the moratorium, 4377
the employee shall continue to retain the credit. However, if the 4378
moratorium is in effect upon the taking of the new position, the 4379
employee shall cease receiving additional credit as long as the 4380
employee is in the position, until the moratorium expires. 4381

(F) When an exceptional condition exists that creates a 4382
temporary or a permanent hazard for one or more positions in a 4383
class paid in accordance with schedule B of section 124.15 of the 4384
Revised Code or in accordance with schedule E-1 or schedule E-1 4385
for step seven only of section 124.152 of the Revised Code, a 4386
special hazard salary adjustment may be granted for the time the 4387
employee is subjected to the hazardous condition. All special 4388
hazard conditions shall be identified for each position and 4389
incidence from information submitted to the director on an 4390
appropriate form provided by the director and categorized into 4391
standard conditions of: some unusual hazard not common to the 4392
class; considerable unusual hazard not common to the class; and 4393

exceptional hazard not common to the class. 4394

(1) A hazardous salary adjustment of five per cent of the 4395
employee's classification salary base may be applied in the case 4396
of some unusual hazardous condition not common to the class for 4397
those hours worked, or a fraction of those hours worked, while the 4398
employee was subject to the unusual hazard condition. 4399

(2) A hazardous salary adjustment of seven and one-half per 4400
cent of the employee's classification salary base may be applied 4401
in the case of some considerable hazardous condition not common to 4402
the class for those hours worked, or a fraction of those hours 4403
worked, while the employee was subject to the considerable hazard 4404
condition. 4405

(3) A hazardous salary adjustment of ten per cent of the 4406
employee's classification salary base may be applied in the case 4407
of some exceptional hazardous condition not common to the class 4408
for those hours worked, or a fraction of those hours worked, when 4409
the employee was subject to the exceptional hazard condition. 4410

(4) Each claim for temporary hazard pay shall be submitted as 4411
a separate payment and shall be subject to an administrative audit 4412
by the director as to the extent and duration of the employee's 4413
exposure to the hazardous condition. 4414

(G) When a full-time employee whose salary or wage is paid 4415
directly by warrant of the ~~auditor of state~~ director of budget and 4416
management and who also is eligible for overtime under the "Fair 4417
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 4418
as amended, is ordered by the appointing authority to report back 4419
to work after termination of the employee's regular work schedule 4420
and the employee reports, the employee shall be paid for such 4421
time. The employee shall be entitled to four hours at the 4422
employee's total rate of pay or overtime compensation for the 4423
actual hours worked, whichever is greater. This division does not 4424

apply to work that is a continuation of or immediately preceding 4425
an employee's regular work schedule. 4426

(H) When a certain position or positions paid in accordance 4427
with schedule B of section 124.15 of the Revised Code or in 4428
accordance with schedule E-1 or schedule E-1 for step seven only 4429
of section 124.152 of the Revised Code require the ability to 4430
speak or write a language other than English, a special pay 4431
supplement may be granted to attract bilingual individuals, to 4432
encourage present employees to become proficient in other 4433
languages, or to retain qualified bilingual employees. The 4434
bilingual pay supplement provided in this division may be granted 4435
in the amount of five per cent of the employee's classification 4436
salary base for each required foreign language and shall remain in 4437
effect as long as the bilingual requirement exists. 4438

(I) The director of administrative services may establish a 4439
shift differential for employees. The differential shall be paid 4440
to employees in positions working in other than the regular or 4441
first shift. In those divisions or agencies where only one shift 4442
prevails, no shift differential shall be paid regardless of the 4443
hours of the day that are worked. The director and the appointing 4444
authority shall designate which positions shall be covered by this 4445
division. 4446

(J) Whenever an employee is assigned to work in a higher 4447
level position for a continuous period of more than two weeks but 4448
no more than two years because of a vacancy, the employee's pay 4449
may be established at a rate that is approximately four per cent 4450
above the employee's current base rate for the period the employee 4451
occupies the position, provided that this temporary occupancy is 4452
approved by the director. Employees paid under this division shall 4453
continue to receive any of the pay supplements due them under 4454
other divisions of this section based on the step one base rate 4455
for their normal classification. 4456

(K) If a certain position, or positions, within a class paid 4457
in accordance with schedule B of section 124.15 of the Revised 4458
Code or in accordance with schedule E-1 or schedule E-1 for step 4459
seven only of section 124.152 of the Revised Code are mandated by 4460
state or federal law or regulation or other regulatory agency or 4461
other certification authority to have special technical 4462
certification, registration, or licensing to perform the functions 4463
which are under the mandate, a special professional achievement 4464
pay supplement may be granted. This special professional 4465
achievement pay supplement shall not be granted when all 4466
incumbents in all positions in a class require a license as 4467
provided in the classification description published by the 4468
department of administrative services; to licensees where no 4469
special or extensive training is required; when certification is 4470
granted upon completion of a stipulated term of in-service 4471
training; when an appointing authority has required certification; 4472
or any other condition prescribed by the director. 4473

(1) Before this supplement may be applied, evidence as to the 4474
requirement must be provided by the agency for each position 4475
involved, and certification must be received from the director as 4476
to the director's concurrence for each of the positions so 4477
affected. 4478

(2) The professional achievement pay supplement provided in 4479
this division shall be granted in an amount up to ten per cent of 4480
the employee's classification salary base and shall remain in 4481
effect as long as the mandate exists. 4482

(L) Those employees assigned to teaching supervisory, 4483
principal, assistant principal, or superintendent positions who 4484
have attained a higher educational level than a basic bachelor's 4485
degree may receive an educational pay supplement to remain in 4486
effect as long as the employee's assignment and classification 4487
remain the same. 4488

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

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

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

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

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

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

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly,

for each classification title requiring a licensed physician, in 4520
accordance with a schedule approved by the state controlling 4521
board. The individual salary levels recommended for each such 4522
physician employed shall be approved by the director. 4523
Notwithstanding section 124.11 of the Revised Code, such personnel 4524
are in the unclassified civil service. 4525

(2) The director of administrative services may approve 4526
supplementary compensation for the director of health, if the 4527
director is a licensed physician, in accordance with a 4528
supplementary compensation schedule approved under division (M)(1) 4529
of this section or in accordance with another supplementary 4530
compensation schedule the director of administrative services 4531
considers appropriate. The supplementary compensation shall not 4532
exceed twenty per cent of the director of health's base rate of 4533
pay. 4534

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 4535
117.42, and 131.02 of the Revised Code, the state shall not 4536
institute any civil action to recover and shall not seek 4537
reimbursement for overpayments made in violation of division (E) 4538
of this section or division (C) of section 9.44 of the Revised 4539
Code for the period starting after June 24, 1987, and ending on 4540
October 31, 1993. 4541

(O) Employees of the office of the treasurer of state who are 4542
exempt from collective bargaining coverage may be granted a merit 4543
pay supplement of up to one and one-half per cent of their step 4544
rate. The rate at which this supplement is granted shall be based 4545
on performance standards established by the treasurer of state. 4546
Any supplements granted under this division shall be administered 4547
on an annual basis. 4548

Sec. 124.182. (A) There is hereby created in the state 4549
treasury the professional development fund. The director of 4550

administrative services shall use moneys credited to the fund to 4551
pay for programs that provide professional development 4552
opportunities for employees who are exempt from collective 4553
bargaining coverage and paid by warrant of the ~~auditor of state~~ 4554
director of budget and management. The director of administrative 4555
services shall identify by rule adopted under Chapter 119. of the 4556
Revised Code programs for which payments from the fund shall be 4557
made. The fund also shall be used to pay any direct and indirect 4558
costs that are attributable to consultants or a third-party 4559
administrator and that are necessary to administer this section. 4560
All investment earnings of the fund shall be credited to it. 4561

(B) The director of administrative services, in consultation 4562
with the director of budget and management, shall determine a rate 4563
at which the payrolls of all participating state agencies with 4564
employees paid by warrant of the ~~auditor of state~~ director of 4565
budget and management shall be charged each pay period that is 4566
sufficient to cover the costs of administering the programs paid 4567
for with the moneys credited to the professional development fund. 4568
The rate shall be based on the total number of those employees and 4569
may be adjusted as the director of administrative services, in 4570
consultation with the director of budget and management, considers 4571
necessary. All moneys collected from the charge shall be credited 4572
to the professional development fund. 4573

(C) If the director of administrative services determines 4574
that additional appropriation amounts are necessary, the director 4575
may request that the director of budget and management increase 4576
the appropriation amounts. The additional appropriation amounts 4577
are hereby appropriated. 4578

Sec. 124.321. (A) Whenever it becomes necessary for an 4579
appointing authority to reduce its work force, the appointing 4580
authority shall lay off employees or abolish their positions in 4581

accordance with sections 124.321 to 124.327 of the Revised Code 4582
and the rules of the director of administrative services. 4583

(B)(1) Employees may be laid off as a result of a lack of 4584
funds within an appointing authority. For appointing authorities 4585
that employ persons whose salary or wage is paid by warrant of the 4586
~~auditor of state~~ director of budget and management, the director 4587
of budget and management shall be responsible for determining 4588
whether a lack of funds exists. For appointing authorities that 4589
employ persons whose salary or wage is paid other than by warrant 4590
of the ~~auditor of state~~ director of budget and management, the 4591
appointing authority itself shall determine whether a lack of 4592
funds exists and shall file a statement of rationale and 4593
supporting documentation with the director of administrative 4594
services prior to sending the layoff notice. 4595

(2) As used in this division, a "lack of funds" means an 4596
appointing authority has a current or projected deficiency of 4597
funding to maintain current, or to sustain projected, levels of 4598
staffing and operations. This section does not require any 4599
transfer of money between funds in order to offset a deficiency or 4600
projected deficiency of federal funding for a program. 4601

(3) The director of budget and management shall adopt rules, 4602
under Chapter 119. of the Revised Code, for agencies whose 4603
employees are paid by warrant of the ~~auditor of state~~ director of 4604
budget and management, for determining whether a lack of funds 4605
exists. 4606

(C)(1) Employees may be laid off as a result of lack of work 4607
within an appointing authority. For appointing authorities whose 4608
employees are paid by warrant of the ~~auditor of state~~ director of 4609
budget and management, the director of administrative services 4610
shall determine whether a lack of work exists. All other 4611
appointing authorities shall themselves determine whether a lack 4612
of work exists and shall file a statement of rationale and 4613

supporting documentation with the director of administrative 4614
services prior to sending the layoff notice. 4615

(2) As used in this division, a "lack of work" means an 4616
appointing authority has a current or projected temporary decrease 4617
in the workload, expected to last less than one year, that 4618
requires a reduction of current or projected staffing levels. The 4619
determination of a lack of work shall indicate the current or 4620
projected temporary decrease in the workload of an appointing 4621
authority and whether the current or projected staffing levels of 4622
the appointing authority will be excessive. 4623

(D)(1) Employees may be laid off as a result of abolishment 4624
of positions. As used in this division, "abolishment" means the 4625
deletion of a position or positions from the organization or 4626
structure of an appointing authority. 4627

For purposes of this division, an appointing authority may 4628
abolish positions for any one or any combination of the following 4629
reasons: as a result of a reorganization for the efficient 4630
operation of the appointing authority, for reasons of economy, or 4631
for lack of work. 4632

(2)(a) Reasons of economy permitting an appointing authority 4633
to abolish a position and to lay off the holder of that position 4634
under this division shall be determined at the time the appointing 4635
authority proposes to abolish the position. The reasons of economy 4636
shall be based on the appointing authority's estimated amount of 4637
savings with respect to salary, benefits, and other matters 4638
associated with the abolishment of the position, except that the 4639
reasons of economy associated with the position's abolishment 4640
instead may be based on the appointing authority's estimated 4641
amount of savings with respect to salary and benefits only, if: 4642

(i) Either the appointing authority's operating appropriation 4643
has been reduced by an executive or legislative action, or the 4644

appointing authority has a current or projected deficiency in 4645
funding to maintain current or projected levels of staffing and 4646
operations; and 4647

(ii) It files a notice of the position's abolishment with the 4648
director of administrative services within one year of the 4649
occurrence of the applicable circumstance described in division 4650
(D)(2)(a)(i) of this section. 4651

(b) The following principles apply when a circumstance 4652
described in division (D)(2)(a)(i) of this section would serve to 4653
authorize an appointing authority to abolish a position and to lay 4654
off the holder of the position under this division based on the 4655
appointing authority's estimated amount of savings with respect to 4656
salary and benefits only: 4657

(i) The position's abolishment shall be done in good faith 4658
and not as a subterfuge for discipline. 4659

(ii) If a circumstance affects a specific program only, the 4660
appointing authority only may abolish a position within that 4661
program. 4662

(iii) If a circumstance does not affect a specific program 4663
only, the appointing authority may identify a position that it 4664
considers appropriate for abolishment based on the reasons of 4665
economy. 4666

(3) Each appointing authority shall determine itself whether 4667
any position should be abolished and shall file a statement of 4668
rationale and supporting documentation with the director of 4669
administrative services prior to sending the notice of 4670
abolishment. 4671

If an abolishment results in a reduction of the work force, 4672
the appointing authority shall follow the procedures for laying 4673
off employees, subject to the following modifications: 4674

(a) The employee whose position has been abolished shall have 4675
the right to fill an available vacancy within the employee's 4676
classification. 4677

(b) If the employee whose position has been abolished has 4678
more retention points than any other employee serving in the same 4679
classification, the employee with the fewest retention points 4680
shall be displaced. 4681

(c) If the employee whose position has been abolished has the 4682
fewest retention points in the classification, the employee shall 4683
have the right to fill an available vacancy in a lower 4684
classification in the classification series. 4685

(d) If the employee whose position has been abolished has the 4686
fewest retention points in the classification, the employee shall 4687
displace the employee with the fewest retention points in the next 4688
or successively lower classification in the classification series. 4689

(E) The director of administrative services shall adopt rules 4690
under Chapter 119. of the Revised Code for the determination of 4691
lack of work within an appointing authority, for the abolishment 4692
of positions by an appointing authority, and for the 4693
implementation of this section. 4694

Sec. 124.327. (A) Employees who have been laid off or have, 4695
by virtue of exercising their ~~displacements~~ displacement rights, 4696
been displaced to a lower classification in their classification 4697
series, shall be placed on appropriate layoff lists. Those 4698
employees with the most retention points within each category of 4699
order of layoff, as established in section 124.323 of the Revised 4700
Code, shall be placed at the top of the layoff list to be followed 4701
by employees ranked in descending total retention order. Laid-off 4702
employees shall be placed on layoff lists for each classification 4703
in the classification series equal to or lower than the 4704

classification in which the employee was employed at the time of 4705
layoff. 4706

(B) An employee who is laid off retains reinstatement rights 4707
in the agency from which the employee was laid off. Reinstatement 4708
rights continue for one year from the date of layoff. During this 4709
one-year period, in any layoff jurisdiction in which an appointing 4710
authority has an employee on a layoff list, the appointing 4711
authority shall not hire or promote anyone into a position within 4712
that classification until all laid-off persons on a layoff list 4713
for that classification who are qualified to perform the duties of 4714
the position are reinstated or decline the position when it is 4715
offered. 4716

(C) Each laid-off or displaced employee, in addition to 4717
reinstatement rights within the employee's appointing authority, 4718
shall have the right to reemployment with other agencies within 4719
the layoff jurisdiction, if the employee is qualified to perform 4720
the duties of the position, but only in the same classification 4721
from which the employee was initially laid off or displaced. 4722
Layoff lists for each appointing authority must be exhausted 4723
before jurisdictional reemployment layoff lists are used. 4724

(D) Any employee accepting or declining reinstatement to the 4725
same classification and same appointment type from which the 4726
employee was laid off or displaced shall be removed from the 4727
appointing authority's layoff list. 4728

(E) Any employee accepting or declining reemployment to the 4729
same classification and the same appointment type from which the 4730
employee was laid off or displaced shall be removed from the 4731
jurisdictional layoff list. 4732

(F) An employee who does not exercise the option to displace 4733
under section 124.324 of the Revised Code shall only be entitled 4734
to reinstatement or reemployment in the classification from which 4735

the employee was displaced or laid off. 4736

(G) An employee who declines reinstatement to a 4737
classification lower in the classification series than the 4738
classification from which the employee was laid off or displaced, 4739
shall thereafter only be entitled to reinstatement to a 4740
classification higher, up to and including the classification from 4741
which the employee was laid off or displaced, in the 4742
classification series than the classification that was declined. 4743

(H) Any employee reinstated or reemployed under this section 4744
shall not serve a probationary period upon reinstatement or 4745
reemployment except that an employee laid off during an original 4746
or promotional probationary period shall begin a new probationary 4747
period. 4748

(I) For the purposes of this section, employees whose salary 4749
or wage is not paid directly by warrant of the ~~auditor of state~~ 4750
director of budget and management shall be placed on layoff lists 4751
of their appointing authority only. 4752

Sec. 124.382. (A) As used in this section and sections 4753
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 4754

(1) "Base pay period" means the pay period that includes the 4755
first day of December. 4756

(2) "Pay period" means the fourteen-day period of time during 4757
which the payroll is accumulated, as determined by the director of 4758
administrative services. 4759

(3) "Active pay status" means the conditions under which an 4760
employee is eligible to receive pay, and includes, but is not 4761
limited to, vacation leave, sick leave, personal leave, 4762
bereavement leave, and administrative leave. 4763

(4) "No pay status" means the conditions under which an 4764
employee is ineligible to receive pay and includes, but is not 4765

limited to, leave without pay, leave of absence, and disability
leave. 4766
4767

(5) "Disability leave" means the leave granted pursuant to 4768
section 124.385 of the Revised Code. 4769

(6) "Full-time permanent employee" means an employee whose 4770
regular hours of duty total eighty hours in a pay period in a 4771
state agency and whose appointment is not for a limited period of 4772
time. 4773

(7) "Base rate of pay" means the rate of pay established 4774
under schedule B or C of section 124.15 of the Revised Code or 4775
under schedule E-1, schedule E-1 for step seven only, or schedule 4776
E-2 of section 124.152 of the Revised Code, plus any supplement 4777
provided under section 124.181 of the Revised Code, plus any 4778
supplements enacted into law which are added to schedule B or C of 4779
section 124.15 of the Revised Code or to schedule E-1, schedule 4780
E-1 for step seven only, or schedule E-2 of section 124.152 of the 4781
Revised Code. 4782

(8) "Part-time permanent employee" means an employee whose 4783
regular hours of duty total less than eighty hours in a pay period 4784
in a state agency and whose appointment is not for a limited 4785
period of time. 4786

(B) Each full-time permanent and part-time permanent employee 4787
whose salary or wage is paid directly by warrant of the ~~auditor of~~ 4788
~~state~~ director of budget and management shall be credited with 4789
sick leave of three and one-tenth hours for each completed eighty 4790
hours of service, excluding overtime hours worked. 4791

(C) Any sick leave credit provided pursuant to division (B) 4792
of this section, remaining as of the last day of the pay period 4793
preceding the next succeeding base pay period, shall be converted 4794
pursuant to section 124.383 of the Revised Code. 4795

(D) Employees may use sick leave, provided a credit balance 4796
is available, upon approval of the responsible administrative 4797
officer of the employing unit, for absence due to personal 4798
illness, pregnancy, injury, exposure to contagious disease that 4799
could be communicated to other employees, and illness, injury, or 4800
death in the employee's immediate family. When sick leave is used, 4801
it shall be deducted from the employee's credit on the basis of 4802
absence from previously scheduled work in such increments of an 4803
hour and at such a compensation rate as the director of 4804
administrative services determines. The appointing authority of 4805
each employing unit may require an employee to furnish a 4806
satisfactory, signed statement to justify the use of sick leave. 4807

If, after having utilized the credit provided by this 4808
section, an employee utilizes sick leave that was accumulated 4809
prior to November 15, 1981, compensation for such sick leave used 4810
shall be at a rate as the director determines. 4811

(E)(1) The previously accumulated sick leave balance of an 4812
employee who has been separated from the public service, for which 4813
separation payments pursuant to section 124.384 of the Revised 4814
Code have not been made, shall be placed to the employee's credit 4815
upon the employee's reemployment in the public service, if the 4816
reemployment takes place within ten years of the date on which the 4817
employee was last terminated from public service. 4818

(2) The previously accumulated sick leave balance of an 4819
employee who has separated from a school district shall be placed 4820
to the employee's credit upon the employee's appointment as an 4821
unclassified employee of the state department of education, if all 4822
of the following apply: 4823

(a) The employee accumulated the sick leave balance while 4824
employed by the school district. 4825

(b) The employee did not receive any separation payments for 4826

the sick leave balance. 4827

(c) The employee's employment with the department takes place 4828
within ten years after the date on which the employee separated 4829
from the school district. 4830

(F) An employee who transfers from one public agency to 4831
another shall be credited with the unused balance of the 4832
employee's accumulated sick leave. 4833

(G) The director of administrative services shall establish 4834
procedures to uniformly administer this section. No sick leave may 4835
be granted to a state employee upon or after the employee's 4836
retirement or termination of employment. 4837

Sec. 124.384. (A) Except as otherwise provided in this 4838
section, employees whose salaries or wages are paid by warrant of 4839
the ~~auditor of state~~ director of budget and management and who 4840
have accumulated sick leave under section 124.38 or 124.382 of the 4841
Revised Code shall be paid for a percentage of their accumulated 4842
balances, upon separation for any reason, including death but 4843
excluding retirement, at their last base rate of pay at the rate 4844
of one hour of pay for every two hours of accumulated balances. An 4845
employee who retires in accordance with any retirement plan 4846
offered by the state shall be paid upon retirement for each hour 4847
of the employee's accumulated sick leave balance at a rate of 4848
fifty-five per cent of the employee's last base rate of pay. 4849

An employee serving in a temporary work level or an interim 4850
appointment who elects to convert unused sick leave to cash shall 4851
do so at the base rate of pay of the employee's normal 4852
classification. If an employee dies, the employee's unused sick 4853
leave shall be paid in accordance with section 2113.04 of the 4854
Revised Code or to the employee's estate. 4855

In order to be eligible for the payment authorized by this 4856

section, an employee shall have at least one year of state service 4857
and shall request all or a portion of such payment no later than 4858
three years after separation from state service. No person is 4859
eligible to receive all or a portion of the payment authorized by 4860
this section at any time later than three years after the person's 4861
separation from state service. 4862

(B) Except as otherwise provided in this division, a person 4863
initially employed on or after July 5, 1987, by a state agency in 4864
which the employees' salaries or wages are paid directly by 4865
warrant of the ~~auditor of state~~ director of budget and management 4866
shall receive payment under this section only for sick leave 4867
accumulated while employed by state agencies in which the 4868
employees' salaries or wages are paid directly by warrant of the 4869
~~auditor of state~~ director of budget and management. A person 4870
initially employed on or after July 5, 1987, by the state 4871
department of education as an unclassified employee shall receive 4872
payment under this section only for sick leave accumulated while 4873
employed by state agencies in which the employees' salaries or 4874
wages are paid directly by warrant of the ~~auditor of state~~ 4875
director of budget and management and for sick leave placed to the 4876
employee's credit under division (E)(2) of section 124.382 of the 4877
Revised Code. 4878

(C) For employees paid in accordance with section 124.152 of 4879
the Revised Code and those employees listed in divisions (B)(2) 4880
and (4) of section 124.14 of the Revised Code, the director of 4881
administrative services, with the approval of the director of ~~the~~ 4882
~~office of~~ budget and management, may establish a plan for early 4883
payment of accrued sick leave and vacation leave. 4884

Sec. 124.387. Each full-time permanent and part-time 4885
permanent employee whose salary or wage is paid directly by 4886
warrant of the ~~auditor of state~~ director of budget and management 4887

shall be granted three days of bereavement leave with pay upon the 4888
death of a member of the employee's immediate family. Compensation 4889
for bereavement leave shall be equal to the employee's base rate 4890
of pay. 4891

Sec. 124.389. The director of administrative services may 4892
establish an employee exchange program for employees whose salary 4893
or wage is paid directly by warrant of the ~~auditor of state~~ 4894
director of budget and management. The director of administrative 4895
services shall adopt rules in accordance with Chapter 119. of the 4896
Revised Code to provide for the administration of the program. 4897

Sec. 124.391. (A) As used in this section, "paid leave" means 4898
sick leave, personal leave, or vacation leave. 4899

(B) The director of administrative services may establish a 4900
program under which an employee paid directly by warrant of the 4901
~~auditor of state~~ director of budget and management may donate that 4902
employee's accrued but unused paid leave to another employee paid 4903
directly by warrant of the ~~auditor of state~~ director of budget and 4904
management who has no accrued but unused paid leave and who has a 4905
critical need for it because of circumstances such as a serious 4906
illness or the serious illness of a member of the employee's 4907
immediate family. 4908

If the director of administrative services establishes a 4909
leave donation program under this division, the director shall 4910
adopt rules in accordance with Chapter 119. of the Revised Code to 4911
provide for the administration of the program. These rules shall 4912
include, but not be limited to, provisions that identify the 4913
circumstances under which leave may be donated and that specify 4914
the amount, types, and value of leave that may be donated. 4915

(C) At the discretion of the appropriate legislative 4916
authority, a county may implement a leave donation program, as 4917

provided in this section, for all county agencies or for one or 4918
more designated agencies within the county. 4919

Sec. 124.82. (A) Except as provided in division (D) of this 4920
section, the department of administrative services, in 4921
consultation with the superintendent of insurance, shall, in 4922
accordance with competitive selection procedures of Chapter 125. 4923
of the Revised Code, contract with an insurance company or a 4924
health plan in combination with an insurance company, authorized 4925
to do business in this state, for the issuance of a policy or 4926
contract of health, medical, hospital, dental, or surgical 4927
benefits, or any combination of those benefits, covering state 4928
employees who are paid directly by warrant of the ~~auditor of state~~ 4929
director of budget and management, including elected state 4930
officials. The department may fulfill its obligation under this 4931
division by exercising its authority under division (A)(2) of 4932
section 124.81 of the Revised Code. 4933

(B) The department may, in addition, in consultation with the 4934
superintendent of insurance, negotiate and contract with health 4935
insuring corporations holding a certificate of authority under 4936
Chapter 1751. of the Revised Code, in their approved service areas 4937
only, for issuance of a contract or contracts of health care 4938
services, covering state employees who are paid directly by 4939
warrant of the ~~auditor of state~~ director of budget and management, 4940
including elected state officials. Except for health insuring 4941
corporations, no more than one insurance carrier or health plan 4942
shall be contracted with to provide the same plan of benefits, 4943
provided that: 4944

(1) The amount of the premium or cost for such coverage 4945
contributed by the state, for an individual or for an individual 4946
and the individual's family, does not exceed that same amount of 4947
the premium or cost contributed by the state under division (A) of 4948

this section; 4949

(2) The employee be permitted to exercise the option as to 4950
which plan the employee will select under division (A) or (B) of 4951
this section, at a time that shall be determined by the 4952
department; 4953

(3) The health insuring corporations do not refuse to accept 4954
the employee, or the employee and the employee's family, if the 4955
employee exercises the option to select care provided by the 4956
corporations; 4957

(4) The employee may choose participation in only one of the 4958
plans sponsored by the department; 4959

(5) The director of health examines and certifies to the 4960
department that the quality and adequacy of care rendered by the 4961
health insuring corporations meet at least the standards of care 4962
provided by hospitals and physicians in that employee's community, 4963
who would be providing such care as would be covered by a contract 4964
awarded under division (A) of this section. 4965

(C) All or any portion of the cost, premium, or charge for 4966
the coverage in divisions (A) and (B) of this section may be paid 4967
in such manner or combination of manners as the department 4968
determines and may include the proration of health care costs, 4969
premiums, or charges for part-time employees. 4970

(D) Notwithstanding division (A) of this section, the 4971
department may provide benefits equivalent to those that may be 4972
paid under a policy or contract issued by an insurance company or 4973
a health plan pursuant to division (A) of this section. 4974

(E) This section does not prohibit the state office of 4975
collective bargaining from entering into an agreement with an 4976
employee representative for the purposes of providing fringe 4977
benefits, including, but not limited to, hospitalization, surgical 4978

care, major medical care, disability, dental care, vision care, 4979
medical care, hearing aids, prescription drugs, group life 4980
insurance, sickness and accident insurance, group legal services 4981
or other benefits, or any combination of those benefits, to 4982
employees paid directly by warrant of the ~~auditor of state~~ 4983
director of budget and management through a jointly administered 4984
trust fund. The employer's contribution for the cost of the 4985
benefit care shall be mutually agreed to in the collectively 4986
bargained agreement. The amount, type, and structure of fringe 4987
benefits provided under this division is subject to the 4988
determination of the board of trustees of the jointly administered 4989
trust fund. Notwithstanding any other provision of the Revised 4990
Code, competitive bidding does not apply to the purchase of fringe 4991
benefits for employees under this division when those benefits are 4992
provided through a jointly administered trust fund. 4993

(F) Members of state boards or commissions may be covered by 4994
any policy, contract, or plan of benefits or services described in 4995
division (A) or (B) of this section. Board or commission members 4996
who are appointed for a fixed term and who are compensated on a 4997
per meeting basis, or paid only for expenses, or receive a 4998
combination of per diem payments and expenses shall pay the entire 4999
amount of the premiums, costs, or charges for that coverage. 5000

Sec. 124.821. Each state agency shall pay the monthly 5001
enrollee premium for medical insurance coverage under Part B of 5002
"The Social Security Amendments of 1965," 79 Stat. 301, 42 U.S.C. 5003
1395j, as amended, for state employees and elected state officials 5004
who are employed by or serve in the agency, are paid directly by 5005
warrant of the ~~auditor of state~~ director of budget and management, 5006
are sixty-five years of age or older, and are participating in the 5007
program of health insurance for the aged under Title XVIII of the 5008
"Social Security Act," 79 Stat. 286, 42 U.S.C. 1395, as amended. 5009

The cost of the premiums shall not be deducted from any employee's 5010
or official's wage or salary. 5011

The director of administrative services shall uniformly 5012
administer this section and shall, by rule, establish procedures 5013
for carrying out such administration. 5014

Sec. 124.822. (A) The department of administrative services 5015
shall require, as a condition of entering into a contract with a 5016
health insuring corporation that desires to provide health care 5017
services to state employees, including elected public officials, 5018
who are paid directly by warrant of the ~~auditor of state~~ director 5019
of budget and management and who reside within its approved 5020
service area, that the health insuring corporation enroll at least 5021
five hundred of such eligible state employees, or at least five 5022
per cent of such eligible state employees, whichever is less. 5023

(B) Division (A) of this section applies only to contracts 5024
that are entered into or renewed on or after July 16, 1991. 5025

Sec. 124.823. The department of administrative services shall 5026
establish a pilot program under which it includes medical savings 5027
accounts as part of any package of health care benefit options 5028
offered to state employees and state elected officials paid by 5029
warrant of the ~~auditor of state~~ director of budget and management. 5030
Except for the provisions in divisions (A) and (B) of section 5031
3924.64 of the Revised Code concerning designation of an 5032
administrator, a medical savings account established as part of 5033
the program is subject to sections 3924.64 to 3924.74 of the 5034
Revised Code. 5035

The department is not required to offer the medical savings 5036
account option to any state employee who is covered under a 5037
collective bargaining agreement entered into pursuant to Chapter 5038
4117. of the Revised Code, but a medical savings account option 5039

may be part of a package of health care benefit options offered 5040
pursuant to a collective bargaining agreement. The department may 5041
limit enrollment in the medical savings account program and may 5042
require state employees enrolled in it to contribute to their 5043
medical savings accounts. The department shall make both 5044
individual and family coverage available through the accounts. The 5045
program shall not increase the cost of providing health insurance 5046
to state employees. The department may end the program at any time 5047
not sooner than two years after it is established, except that the 5048
department may not end the program prior to providing six months' 5049
notice to the speaker of the house of representatives, president 5050
of the senate, minority leader of the house and minority leader of 5051
the senate, and the chairs of the standing committees of the 5052
senate and house of representatives with primary responsibility 5053
for health and insurance legislation. 5054

A state employee who chooses the medical savings account 5055
option shall have any state health, medical, hospital, dental, 5056
surgical, and vision benefits for which the employee is eligible 5057
provided through the medical savings account. The department, 5058
under section 124.81 or 124.82 of the Revised Code, shall contract 5059
for or otherwise provide a high-deductible policy or contract 5060
through which those benefits can be paid. 5061

The employee for whom a medical savings account is opened 5062
shall at the time the account is opened choose an administrator 5063
from a list of administrators designated by the department, one of 5064
which may be the insurer from which the department purchases the 5065
high-deductible policy or contract. If the employee fails to 5066
choose an administrator, the department shall designate an 5067
administrator. 5068

If an elected state official whose term commenced prior to 5069
the establishment of the program elects to participate in the 5070
medical savings account program, participation shall commence at 5071

the beginning of the term following establishment of the program. 5072

Sec. 124.84. (A) The department of administrative services, 5073
in consultation with the superintendent of insurance and subject 5074
to division (D) of this section, shall negotiate and contract with 5075
one or more insurance companies or health insuring corporations 5076
authorized to operate or do business in this state for the 5077
purchase of a policy of long-term care insurance covering all 5078
state employees who are paid directly by warrant of the ~~auditor of~~ 5079
state director of budget and management, including elected state 5080
officials. Any policy purchased under this division shall be 5081
negotiated and entered into in accordance with the competitive 5082
selection procedures specified in Chapter 125. of the Revised 5083
Code. As used in this section, "long-term care insurance" has the 5084
same meaning as in section 3923.41 of the Revised Code. 5085

(B) Any elected state official or state employee paid 5086
directly by warrant of the ~~auditor of state~~ director of budget and 5087
management may elect to participate in any long-term care 5088
insurance policy purchased under division (A) of this section. All 5089
or any portion of the premium charged may be paid by the state. 5090
Participation in the policy may include the dependents and family 5091
members of the elected state official or state employee. 5092

If a participant in a long-term care insurance policy leaves 5093
employment, the participant and the participant's dependents and 5094
family members may, at their election, continue to participate in 5095
a policy established under this section. The manner of payment and 5096
the portion of premium charged the participant, dependent, and 5097
family member shall be established pursuant to division (E) of 5098
this section. 5099

(C) Any long-term care insurance policy purchased under this 5100
section or section 124.841 or 145.581 of the Revised Code shall 5101
provide for all of the following with respect to the premiums 5102

charged for the policy: 5103

(1) They shall be set at the entry age of the official or 5104
employee when first covered by the policy and shall not increase 5105
except as a class during coverage under the policy. 5106

(2) They shall be based on the class of all officials or 5107
employees covered by the policy. 5108

(3) They shall continue, pursuant to section 145.581 of the 5109
Revised Code, after the retirement of the official or employee who 5110
is covered under the policy, at the rate in effect on the date of 5111
the official's or employee's retirement. 5112

(D) Prior to entering into a contract with an insurance 5113
company or health insuring corporation for the purchase of a 5114
long-term care insurance policy under this section, the department 5115
shall request the superintendent of insurance to certify the 5116
financial condition of the company or corporation. The department 5117
shall not enter into the contract if, according to that 5118
certification, the company or corporation is insolvent, is 5119
determined by the superintendent to be potentially unable to 5120
fulfill its contractual obligations, or is placed under an order 5121
of rehabilitation or conservation by a court of competent 5122
jurisdiction or under an order of supervision by the 5123
superintendent. 5124

(E) The department shall adopt rules in accordance with 5125
section 111.15 of the Revised Code governing long-term care 5126
insurance purchased under this section. All or any portion of the 5127
premium charged the participants, dependents, and family members 5128
shall be paid in such manner or combination of manners as the 5129
department determines. 5130

Sec. 125.21. The director of administrative services shall 5131
process payroll information for the purpose of payment for 5132

personal services of state officials and employees on the basis of 5133
rates of pay determined by pertinent law, the director, or other 5134
competent authority. 5135

Calculation of payrolls may be made after the conclusion of 5136
each pay period based upon the amount of time served as certified 5137
by the appropriate appointing authority. Payment for personal 5138
service rendered by an official or employee during any pay period 5139
shall be made no later than at the conclusion of the official's or 5140
employee's next succeeding pay period. 5141

The director of administrative services shall furnish to the 5142
~~auditor of state~~ director of budget and management all necessary 5143
data for drawing state official and employee pay warrants and 5144
preparing earning statements. These data shall include the rate at 5145
which paid; the time for which paid, including overtime and any 5146
other adjustments affecting the official's or employee's gross 5147
pay; all taxes withheld, including, whenever practicable, 5148
year-to-date figures on all taxes withheld; the amount of 5149
contribution to the appropriate retirement system; any voluntary 5150
deductions made in accordance with authorizations filed by the 5151
official or employee; and whether a direct deposit is to be made 5152
in accordance with an authorization filed by the official or 5153
employee. 5154

Amounts deducted from the salaries or wages of all officials 5155
and employees shall be transferred to the payroll withholding 5156
fund, which is hereby created in the state treasury for the 5157
purpose of consolidating all such deductions made in any month. 5158
Payments from this fund shall be made at intervals for the 5159
intended purpose of the deduction or for refund where it is 5160
determined that deductions were made in error. 5161

Sec. 126.07. No contract, agreement, or obligation involving 5162
the expenditure of money chargeable to an appropriation, nor any 5163

resolution or order for the expenditure of money chargeable to an 5164
appropriation, shall be valid and enforceable unless the director 5165
of budget and management first certifies that there is a balance 5166
in the appropriation not already obligated to pay existing 5167
obligations, in an amount at least equal to the portion of the 5168
contract, agreement, obligation, resolution, or order to be 5169
performed in the current fiscal year. Any written contract or 5170
agreement entered into by the state shall contain a clause stating 5171
that the obligations of the state are subject to this section. 5172

In order to make a payment from the state treasury, a state 5173
agency shall first submit to the director all invoices, claims, 5174
vouchers, and other evidentiary matter related to the payment. If 5175
the director approves payment to be made, the director shall 5176
~~submit the approval to the auditor of state for the drawing of~~ 5177
draw a warrant as provided in section ~~117.45~~ 126.35 of the Revised 5178
Code. The director shall not approve payment to be made if the 5179
director finds that there is not an unobligated balance in the 5180
appropriation for the payment, that the payment is not for a valid 5181
claim against the state that is legally due, or that insufficient 5182
evidentiary matter has been submitted. If the director does not 5183
approve payment, the director shall notify the agency of the 5184
reasons the director has not given approval. 5185

In approving payments to be made under this section, the 5186
director, upon receipt of certification from the director of job 5187
and family services pursuant to section 4141.231 of the Revised 5188
Code, shall withhold from amounts otherwise payable to a person 5189
who is the subject of the director of jobs and family services' 5190
certification, the amount certified to be due and unpaid to the 5191
director of job and family services, and shall approve for payment 5192
to the director of job and family services, the amount withheld. 5193

Sec. 126.21. (A) The director of budget and management shall 5194

do all of the following:	5195
(1) Keep all necessary accounting records;	5196
(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;	5197 5198 5199
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;	5200 5201 5202
(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 total of which it is a part, the item shall be considered the intended appropriation.	5203 5204 5205 5206 5207 5208 5209 5210
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	5211 5212
(6) Authorize the establishment of petty cash accounts. The director of budget and management may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.	5213 5214 5215 5216 5217 5218 5219 5220
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	5221 5222
(8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;	5223 5224

(9) Issue the official comprehensive annual financial report 5225
of the state. The report shall cover all funds of the state 5226
reporting entity and shall include basic financial statements and 5227
required supplementary information prepared in accordance with 5228
generally accepted accounting principles and other information as 5229
the director provides. All state agencies, authorities, 5230
institutions, offices, retirement systems, and other component 5231
units of the state reporting entity as determined by the director 5232
shall furnish the director whatever financial statements and other 5233
information the director requests for the report, in the form, at 5234
the times, covering the periods, and with the attestation the 5235
director prescribes. The information for state institutions of 5236
higher education, as defined in section 3345.011 of the Revised 5237
Code, shall be submitted to the director by the Ohio board of 5238
regents. The board shall establish a due date by which each such 5239
institution shall submit the information to the board, but no such 5240
date shall be later than one hundred twenty days after the end of 5241
the state fiscal year unless a later date is approved by the 5242
director. 5243

(B) In addition to the director's duties under division (A) 5244
of this section, the director of budget and management may 5245
establish and administer one or more state payment card programs 5246
that permit or require state agencies to use a payment card to 5247
purchase equipment, materials, supplies, or services in accordance 5248
with guidelines issued by the director. ~~The director may contract~~ 5249
~~with one or more vendors to provide the payment cards and payment~~ 5250
~~card services.~~ State agencies may only participate in state 5251
payment card programs that the director establishes pursuant to 5252
this section. 5253

(C) In addition to the director's duties under divisions (A) 5254
and (B) of this section, the director may enter into any contract 5255
or agreement necessary for and incidental to the performance of 5256

<u>the director's duties or the duties of the office of budget and</u>	5257
<u>management.</u>	5258
Sec. 126.22. The director of budget and management may:	5259
(A) Perform or contract for accounting services <u>for</u> and	5260
design and implement accounting systems with state agencies;	5261
(B) Provide other accounting services, including the	5262
preparation and submission of reports;	5263
(C) Change any accounting code appearing in appropriations	5264
acts of the general assembly.	5265
Sec. 117.45 <u>126.35</u>. (A) The auditor of state <u>director of</u>	5266
<u>budget and management</u> shall draw warrants against the treasurer of	5267
state pursuant to all requests for payment that the director of	5268
budget and management has approved under section 126.07 of the	5269
Revised Code.	5270
(B) Unless the director of job and family services has	5271
provided for the making of payments by electronic benefit	5272
transfer, if a financial institution and account have been	5273
designated by the participant or recipient, payment by the auditor	5274
of state <u>director of budget and management</u> to a participant in the	5275
Ohio works first program pursuant to Chapter 5107. of the Revised	5276
Code or a recipient of disability financial assistance pursuant to	5277
Chapter 5115. of the Revised Code shall be made by direct deposit	5278
to the account of the participant or recipient in the financial	5279
institution. Payment by the auditor of state <u>director of budget</u>	5280
<u>and management</u> to a recipient of benefits distributed through the	5281
medium of electronic benefit transfer pursuant to section 5101.33	5282
of the Revised Code shall be by electronic benefit transfer.	5283
Payment by the auditor of state <u>director of budget and management</u>	5284
as compensation to an employee of the state who has, pursuant to	5285
section 124.151 of the Revised Code, designated a financial	5286

institution and account for the direct deposit of such payments 5287
shall be made by direct deposit to the account of the employee. 5288
Payment to any other payee who has designated a financial 5289
institution and account for the direct deposit of such payment may 5290
be made by direct deposit to the account of the payee in the 5291
financial institution as provided in section 9.37 of the Revised 5292
Code. ~~The auditor of state shall contract with an authorized~~ 5293
~~financial institution for the services necessary to make direct~~ 5294
~~deposits or electronic benefit transfers under this division and~~ 5295
~~draw lump sum warrants payable to that institution in the amount~~ 5296
~~to be transferred.~~ Accounts maintained by the ~~auditor of state~~ 5297
director of budget and management or the ~~auditor of state's~~ 5298
director's agent in a financial institution for the purpose of 5299
effectuating payment by direct deposit or electronic benefit 5300
transfer shall be maintained in accordance with section 135.18 of 5301
the Revised Code. 5302

(C) All other payments from the state treasury shall be made 5303
by paper warrants or by direct deposit payable to the respective 5304
payees. The ~~auditor of state~~ director of budget and management may 5305
mail the paper warrants to the respective payees or distribute 5306
them through other state agencies, whichever the ~~auditor of state~~ 5307
director determines to be the better procedure. 5308

(D) If the average per transaction cost the ~~auditor of state~~ 5309
director of budget and management incurs in making direct deposits 5310
for a state agency exceeds the average per transaction cost the 5311
~~auditor of state~~ director incurs in drawing paper warrants for all 5312
public offices during the same period of time, the ~~auditor of~~ 5313
~~state~~ director may certify the difference in cost and the number 5314
of direct deposits for the agency to the director of 5315
administrative services. The director of administrative services 5316
shall reimburse the ~~auditor of state~~ director of budget and 5317
management for such additional costs and add the amount to the 5318

processing charge assessed upon the state agency. 5319

Sec. ~~117.46~~ 126.36. If the ~~auditor of state~~ director of 5320
budget and management is satisfied, by affidavit or otherwise, 5321
that any warrant on the state treasury drawn by ~~him~~ the director 5322
has been lost or destroyed prior to its presentation for payment, 5323
~~he~~ the director may issue to the proper person a replacement of 5324
the lost or destroyed warrant; provided, that before issuing the 5325
replacement, ~~he~~ the director shall require that the person making 5326
application therefor execute a formal agreement to indemnify the 5327
state for any loss or damage sustained on account of the issuance 5328
of the replacement and the subsequent presentation and payment of 5329
the original. The form of the agreement shall be prepared by the 5330
attorney general. The agreement when executed shall be filed with 5331
the ~~auditor of state~~ director. The treasurer of state shall not be 5332
liable because of ~~his paying~~ the payment of any replacement 5333
warrant drawn under this section. 5334

Sec. ~~117.47~~ 126.37. (A) The ~~auditor of state~~ director of 5335
budget and management shall void any warrant ~~he~~ the director draws 5336
on the state treasury pursuant to Chapter 5733. or 5747. of the 5337
Revised Code that is not presented for payment to the treasurer of 5338
state within two years after the date of issuance and shall void 5339
any other warrant ~~he~~ the director draws on the state treasury that 5340
is not presented to the treasurer of state within ninety days 5341
after the date of issuance. 5342

(B) If a warrant voided pursuant to division (A) of this 5343
section was drawn against an appropriation of the current fiscal 5344
year and the holder of the voided warrant presents the warrant for 5345
reissuance, in the same fiscal year, to the state agency that made 5346
the payment originally, the agency shall prepare a voucher for the 5347
holder of the voided warrant, in the amount shown on the warrant 5348
that has been voided, against the same appropriation of the same 5349

fiscal year if the agency is satisfied that payment is proper. 5350

(C) If a warrant was drawn against an appropriation of the 5351
first fiscal year of the fiscal biennium and voided pursuant to 5352
division (A) of this section in either fiscal year of the biennium 5353
and if the holder of the voided warrant presents the warrant for 5354
reissuance, in the second fiscal year of the biennium, to the 5355
state agency that made the payment originally, the agency shall 5356
prepare a voucher for the holder of the voided warrant, in the 5357
amount shown on the warrant that has been voided, against funds 5358
transferred to the agency by the director ~~of budget and management~~ 5359
pursuant to section 131.33 of the Revised Code, if the agency is 5360
satisfied that payment is proper. If no such funds are available 5361
for transfer, the agency shall prepare the voucher against any 5362
unexpended appropriations of the current fiscal year available to 5363
it. 5364

(D) If a warrant was drawn against an appropriation and, 5365
during the same biennium, was voided pursuant to division (A) of 5366
this section, and if, after that biennium, the holder of the 5367
voided warrant presents the warrant for reissuance to the state 5368
agency that made the payment originally, the agency shall prepare 5369
a voucher for the holder of the voided warrant, in the amount 5370
shown on the warrant that has been voided, against any 5371
appropriation of the current fiscal year made to the agency if the 5372
agency is satisfied that payment is proper. 5373

(E) If a warrant voided pursuant to division (A) of this 5374
section was drawn against an appropriation of a previous fiscal 5375
year and voided after that fiscal biennium and if the holder of 5376
the voided warrant presents the warrant for reissuance to the 5377
state agency that made the payment originally, the agency shall 5378
forward the warrant to the director ~~of budget and management~~ with 5379
a request for reissuance. The director shall make payment to the 5380
holder of the voided warrant, in the amount shown on the warrant 5381

that has been voided, against an appropriation of the current 5382
fiscal year made to the director ~~of budget and management~~ for the 5383
reissuance of voided warrants, if the director ~~of budget and~~ 5384
~~management~~ is satisfied that reissuance of the warrant is proper. 5385

Sec. ~~117.48~~ 126.38. The ~~auditor of state~~ director of budget 5386
and management shall furnish an earnings statement with each pay 5387
warrant issued to a state employee paid on a payroll voucher. The 5388
statement shall include a summary of the earnings information 5389
provided to the ~~auditor of state~~ director pursuant to section 5390
125.21 of the Revised Code. 5391

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 5392
125., 126., 127., and 131. of the Revised Code, and any statute 5393
that uses the terms in connection with state accounting or 5394
budgeting: 5395

(A) "Account" means any record, element, or summary in which 5396
financial transactions are identified and recorded as debit or 5397
credit transactions in order to summarize items of a similar 5398
nature or classification. 5399

(B) "Accounting procedure" means the arrangement of all 5400
processes which discover, record, and summarize financial 5401
information to produce financial statements and reports and to 5402
provide internal control. 5403

(C) "Accounting system" means the total structure of records 5404
and procedures which discover, record, classify, and report 5405
information on the financial position and operations of a 5406
governmental unit or any of its funds and organizational 5407
components. 5408

(D) "Allocation" means a portion of an appropriation which is 5409
designated for expenditure by specific organizational units or for 5410
special purposes, activities, or objects that do not relate to a 5411

period of time.	5412
(E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time.	5413 5414
(F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes.	5415 5416 5417
(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value.	5418 5419
(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.	5420 5421 5422
(I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.	5423 5424 5425
(J) "Disbursement" means a payment made for any purpose.	5426
(K) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.	5427 5428 5429 5430
(L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.	5431 5432
(M) "Encumbrancing document" means a document reserving all or part of an appropriation.	5433 5434
(N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met.	5435 5436
(O) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose	5437 5438 5439 5440

of carrying on specific activities or attaining certain objectives 5441
in accordance with special rules, restrictions, or limitations. 5442

(P) "Lapse" means the automatic termination of an 5443
appropriation at the end of the fiscal period for which it was 5444
appropriated. 5445

(Q) "Reappropriation" means an appropriation of a previous 5446
appropriation that is continued in force in a succeeding 5447
appropriation period. "Reappropriation" shall be equated with and 5448
incorporated in the term "appropriation." 5449

(R) "Voucher" means the document used to transmit a claim for 5450
payment and evidentiary matter related to the claim. 5451

(S) "Warrant" means an order drawn upon the treasurer of 5452
state by the ~~auditor of state~~ director of budget and management 5453
directing the treasurer of state to pay a specified amount, 5454
including an order to make a lump-sum payment to a financial 5455
institution for the transfer of funds by direct deposit or the 5456
drawdown of funds by electronic benefit transfer, and the 5457
resulting electronic transfer to or by the ultimate payees. 5458

The terms defined in this section shall be used, on all 5459
accounting forms, reports, formal rules, and budget requests 5460
produced by a state agency, only as defined in this section. 5461

Sec. 131.02. (A) ~~Whenever~~ Except as otherwise provided in 5462
section 4123.37 and division (J) of section 4123.511 of the 5463
Revised Code, whenever any amount is payable to the state, the 5464
officer, employee, or agent responsible for administering the law 5465
under which the amount is payable shall immediately proceed to 5466
collect the amount or cause the amount to be collected and shall 5467
pay the amount into the state treasury or into the appropriate 5468
custodial fund in the manner set forth pursuant to section 113.08 5469
of the Revised Code. Except as otherwise provided in this 5470

division, if the amount is not paid within forty-five days after 5471
payment is due, the officer, employee, or agent shall certify the 5472
amount due to the attorney general, in the form and manner 5473
prescribed by the attorney general, and notify the director of 5474
budget and management thereof. In the case of an amount payable by 5475
a student enrolled in a state institution of higher education, the 5476
amount shall be certified within the later of forty-five days 5477
after the amount is due or the tenth day after the beginning of 5478
the next academic semester, quarter, or other session following 5479
the session for which the payment is payable. The attorney general 5480
may assess the collection cost to the amount certified in such 5481
manner and amount as prescribed by the attorney general. 5482

For the purposes of this section, the attorney general and 5483
the officer, employee, or agent responsible for administering the 5484
law under which the amount is payable shall agree on the time a 5485
payment is due, and that agreed upon time shall be one of the 5486
following times: 5487

(1) If a law, including an administrative rule, of this state 5488
prescribes the time a payment is required to be made or reported, 5489
when the payment is required by that law to be paid or reported. 5490

(2) If the payment is for services rendered, when the 5491
rendering of the services is completed. 5492

(3) If the payment is reimbursement for a loss, when the loss 5493
is incurred. 5494

(4) In the case of a fine or penalty for which a law or 5495
administrative rule does not prescribe a time for payment, when 5496
the fine or penalty is first assessed. 5497

(5) If the payment arises from a legal finding, judgment, or 5498
adjudication order, when the finding, judgment, or order is 5499
rendered or issued. 5500

(6) If the payment arises from an overpayment of money by the 5501

<u>state to another person, when the overpayment is discovered.</u>	5502
<u>(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.</u>	5503
	5504
	5505
<u>(8) Upon proof of claim being filed in a bankruptcy case.</u>	5506
<u>(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.</u>	5507
	5508
	5509
	5510
	5511
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	5512
	5513
	5514
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., or 5747. of the Revised Code, the notice also shall specify all of the following:	5515
	5516
	5517
(a) The assessment or case number;	5518
(b) The tax pursuant to which the assessment is made;	5519
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	5520
	5521
(d) An explanation of how and when interest will be added to the amount assessed;	5522
	5523
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	5524
	5525
	5526
	5527
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	5528
	5529
(D) Each claim shall bear interest, from the day on which the	5530

claim became due, at the rate per annum required by section 5531
5703.47 of the Revised Code. 5532

(E) The attorney general and the chief officer of the agency 5533
reporting a claim, acting together, may do any of the following if 5534
such action is in the best interests of the state: 5535

(1) Compromise the claim; 5536

(2) Extend for a reasonable period the time for payment of 5537
the claim by agreeing to accept monthly or other periodic 5538
payments. The agreement may require security for payment of the 5539
claim. 5540

(3) Add fees to recover the cost of processing checks or 5541
other draft instruments returned for insufficient funds and the 5542
cost of providing electronic payment options. 5543

(F)(1) Except as provided in division (F)(2) of this section, 5544
if the attorney general finds, after investigation, that any claim 5545
due and owing to the state is uncollectible, the attorney general, 5546
with the consent of the chief officer of the agency reporting the 5547
claim, may do the following: 5548

(a) Sell, convey, or otherwise transfer the claim to one or 5549
more private entities for collection; 5550

(b) Cancel the claim or cause it to be ~~cancelled~~ canceled. 5551

(2) The attorney general shall cancel or cause to be 5552
~~cancelled~~ canceled an unsatisfied claim on the date that is forty 5553
years after the date the claim is certified. 5554

(3) If information contained in a claim that is sold, 5555
conveyed, or transferred to a private entity pursuant to this 5556
section is confidential pursuant to federal law or a section of 5557
the Revised Code that implements a federal law governing 5558
confidentiality, such information remains subject to that law 5559
during and following the sale, conveyance, or transfer. 5560

Sec. 131.022. (A) As used in this section: 5561

(1) "Final overdue claim" means a claim that has been 5562
certified to the attorney general under section 131.02 of the 5563
Revised Code, that has been final for at least one year, and for 5564
which no arrangements have been made for the payment of the claim 5565
or, if arrangements for the payment of the claim have been made, 5566
the person owing the claim has failed to comply with the terms of 5567
the arrangement for more than thirty days. 5568

"Final overdue claim" includes collection costs incurred with 5569
respect to the claim that is the basis of the final overdue claim 5570
and assessed by the attorney general under division (A) of section 5571
131.02 of the Revised Code, interest accreting to the claim under 5572
division (D) of that section, and fees added under division (E)(3) 5573
of that section. 5574

(2) "Final" means a claim has been finalized under the law 5575
providing for the imposition or determination of the amount due, 5576
and any time provided for appeal of the amount, legality, or 5577
validity of the claim has expired without an appeal having been 5578
filed in the manner provided by law. "Final" includes, but is not 5579
limited to, a final determination of the tax commissioner for 5580
which the time for appeal has expired without a notice of appeal 5581
having been filed. 5582

(B) If a claim is certified to the attorney general under 5583
section 131.02 of the Revised Code, at any time after the claim is 5584
a final overdue claim, the attorney general may, subject to the 5585
approval of the controlling board, sell the claim to any person 5586
through a competitive process. 5587

(C) The attorney general may consolidate any number of final 5588
overdue claims for sale under this section. 5589

(D) Not less than sixty days before first offering a final 5590

overdue claim for sale, the attorney general shall provide written 5591
notice, by ordinary mail, to the person owing the claim at that 5592
person's last known mailing address. The notice shall state the 5593
following: 5594

(1) The nature and amount of the claim; 5595

(2) The manner in which the person may contact the office of 5596
the attorney general to arrange terms for payment of the claim; 5597

(3) That if the person does not contact the office of the 5598
attorney general within sixty days after the date the notice is 5599
issued and arrange terms of payment of the claim all of the 5600
following apply: 5601

(a) The attorney general will offer the claim for sale to a 5602
private party for collection by that party by any legal means; 5603

(b) The person is deemed to be denied any right to seek and 5604
obtain a refund of any amount from which the claim arises if the 5605
applicable law otherwise allows for a refund of that nature; 5606

(c) Except as provided in division (I) of this section, the 5607
person is deemed to waive any right the person may have to 5608
confidentiality of information regarding the claim to the extent 5609
confidentiality is provided under any other section of the Revised 5610
Code. 5611

(E) Upon the sale of a final overdue claim under this 5612
section, the claim becomes the property of the purchaser, and the 5613
purchaser may sell or otherwise transfer the claim to any other 5614
person or otherwise dispose of the claim. The owner of the claim 5615
is entitled to all proceeds from the collection of the claim. 5616
Purchasers or transferees of a final overdue claim are subject to 5617
any applicable laws governing collection of debts of the kind 5618
represented by the claim. 5619

(F) Upon the sale or transfer of a final overdue claim under 5620

this section, no refund shall be issued or paid to the person 5621
owing the claim for any part of the amount from which the claim 5622
arises. 5623

(G) Notwithstanding any other section of the Revised Code, 5624
the attorney general, solely for the purpose of effecting the sale 5625
or transfer of a final overdue claim under this section, may 5626
disclose information about the person owing the claim that 5627
otherwise would be confidential under a section of the Revised 5628
Code, and the person shall have no right of action against that 5629
disclosure to the extent a right of that nature is available under 5630
that section. 5631

(H) The authority granted under this section is supplemental 5632
to the authority granted under section 131.02 of the Revised Code. 5633

(I) If information contained in a claim that is sold, 5634
conveyed, or transferred to a private entity pursuant to this 5635
section is confidential pursuant to federal law or a section of 5636
the Revised Code that implements a federal law governing 5637
confidentiality, such information remains subject to that law 5638
during and following the sale, conveyance, or transfer. 5639

Sec. 131.33. No state agency shall incur an obligation which 5640
exceeds the agency's current appropriation authority. Unexpended 5641
balances of appropriations shall, at the close of the period for 5642
which the appropriations are made, revert to the funds from which 5643
the appropriations were made, except that the director of budget 5644
and management shall transfer such unexpended balances from the 5645
first fiscal year to the second fiscal year of an agency's 5646
appropriations to the extent necessary for voided warrants to be 5647
reissued pursuant to division (C) of section ~~117.47~~ 126.37 of the 5648
Revised Code. 5649

Except as provided in this section, appropriations made to a 5650

specific fiscal year shall be expended only to pay liabilities 5651
incurred within that fiscal year. 5652

All payrolls shall be charged to the allotments of the fiscal 5653
quarters in which the applicable payroll vouchers are certified by 5654
the director of budget and management in accordance with section 5655
126.07 of the Revised Code. As used in this section, "payrolls" 5656
means any payment made in accordance with section 125.21 of the 5657
Revised Code. 5658

Legal liabilities from prior fiscal years for which there is 5659
no reappropriation authority shall be discharged from the 5660
unencumbered balances of current appropriations. 5661

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 5662
and 2151.655 of the Revised Code, in other sections of the Revised 5663
Code that make reference to this chapter unless the context does 5664
not permit, and in related proceedings, unless otherwise expressly 5665
provided: 5666

(A) "Acquisition" as applied to real or personal property 5667
includes, among other forms of acquisition, acquisition by 5668
exercise of a purchase option, and acquisition of interests in 5669
property, including, without limitation, easements and 5670
rights-of-way, and leasehold and other lease interests initially 5671
extending or extendable for a period of at least sixty months. 5672

(B) "Anticipatory securities" means securities, including 5673
notes, issued in anticipation of the issuance of other securities. 5674

(C) "Board of elections" means the county board of elections 5675
of the county in which the subdivision is located. If the 5676
subdivision is located in more than one county, "board of 5677
elections" means the county board of elections of the county that 5678
contains the largest portion of the population of the subdivision 5679
or that otherwise has jurisdiction in practice over and 5680

customarily handles election matters relating to the subdivision. 5681

(D) "Bond retirement fund" means the bond retirement fund 5682
provided for in section 5705.09 of the Revised Code, and also 5683
means a sinking fund or any other special fund, regardless of the 5684
name applied to it, established by or pursuant to law or the 5685
proceedings for the payment of debt charges. Provision may be made 5686
in the applicable proceedings for the establishment in a bond 5687
retirement fund of separate accounts relating to debt charges on 5688
particular securities, or on securities payable from the same or 5689
common sources, and for the application of moneys in those 5690
accounts only to specified debt charges on specified securities or 5691
categories of securities. Subject to law and any provisions in the 5692
applicable proceedings, moneys in a bond retirement fund or 5693
separate account in a bond retirement fund may be transferred to 5694
other funds and accounts. 5695

(E) "Capitalized interest" means all or a portion of the 5696
interest payable on securities from their date to a date stated or 5697
provided for in the applicable legislation, which interest is to 5698
be paid from the proceeds of the securities. 5699

(F) "Chapter 133. securities" means securities authorized by 5700
or issued pursuant to or in accordance with this chapter. 5701

(G) "County auditor" means the county auditor of the county 5702
in which the subdivision is located. If the subdivision is located 5703
in more than one county, "county auditor" means the county auditor 5704
of the county that contains the highest amount of the tax 5705
valuation of the subdivision or that otherwise has jurisdiction in 5706
practice over and customarily handles property tax matters 5707
relating to the subdivision. In the case of a county that has 5708
adopted a charter, "county auditor" means the officer who 5709
generally has the duties and functions provided in the Revised 5710
Code for a county auditor. 5711

(H) "Credit enhancement facilities" means letters of credit, 5712
lines of credit, stand-by, contingent, or firm securities purchase 5713
agreements, insurance, or surety arrangements, guarantees, and 5714
other arrangements that provide for direct or contingent payment 5715
of debt charges, for security or additional security in the event 5716
of nonpayment or default in respect of securities, or for making 5717
payment of debt charges to and at the option and on demand of 5718
securities holders or at the option of the issuer or upon certain 5719
conditions occurring under put or similar arrangements, or for 5720
otherwise supporting the credit or liquidity of the securities, 5721
and includes credit, reimbursement, marketing, remarketing, 5722
indexing, carrying, interest rate hedge, and subrogation 5723
agreements, and other agreements and arrangements for payment and 5724
reimbursement of the person providing the credit enhancement 5725
facility and the security for that payment and reimbursement. 5726

(I) "Current operating expenses" or "current expenses" means 5727
the lawful expenditures of a subdivision, except those for 5728
permanent improvements and for payments of debt charges of the 5729
subdivision. 5730

(J) "Debt charges" means the principal, including any 5731
mandatory sinking fund deposits and mandatory redemption payments, 5732
interest, and any redemption premium, payable on securities as 5733
those payments come due and are payable. The use of "debt charges" 5734
for this purpose does not imply that any particular securities 5735
constitute debt within the meaning of the Ohio Constitution or 5736
other laws. 5737

(K) "Financing costs" means all costs and expenses relating 5738
to the authorization, including any required election, issuance, 5739
sale, delivery, authentication, deposit, custody, clearing, 5740
registration, transfer, exchange, fractionalization, replacement, 5741
payment, and servicing of securities, including, without 5742
limitation, costs and expenses for or relating to publication and 5743

printing, postage, delivery, preliminary and final official 5744
statements, offering circulars, and informational statements, 5745
travel and transportation, underwriters, placement agents, 5746
investment bankers, paying agents, registrars, authenticating 5747
agents, remarketing agents, custodians, clearing agencies or 5748
corporations, securities depositories, financial advisory 5749
services, certifications, audits, federal or state regulatory 5750
agencies, accounting and computation services, legal services and 5751
obtaining approving legal opinions and other legal opinions, 5752
credit ratings, redemption premiums, and credit enhancement 5753
facilities. Financing costs may be paid from any moneys available 5754
for the purpose, including, unless otherwise provided in the 5755
proceedings, from the proceeds of the securities to which they 5756
relate and, as to future financing costs, from the same sources 5757
from which debt charges on the securities are paid and as though 5758
debt charges. 5759

(L) "Fiscal officer" means the following, or, in the case of 5760
absence or vacancy in the office, a deputy or assistant authorized 5761
by law or charter to act in the place of the named officer, or if 5762
there is no such authorization then the deputy or assistant 5763
authorized by legislation to act in the place of the named officer 5764
for purposes of this chapter, in the case of the following 5765
subdivisions: 5766

(1) A county, the county auditor; 5767

(2) A municipal corporation, the city auditor or village 5768
clerk or clerk-treasurer, or the officer who, by virtue of a 5769
charter, has the duties and functions provided in the Revised Code 5770
for the city auditor or village clerk or clerk-treasurer; 5771

(3) A school district, the treasurer of the board of 5772
education; 5773

(4) A regional water and sewer district, the secretary of the 5774

board of trustees;	5775
(5) A joint township hospital district, the treasurer of the district;	5776 5777
(6) A joint ambulance district, the clerk of the board of trustees;	5778 5779
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	5780 5781
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	5782 5783 5784 5785 5786
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	5787 5788 5789
(10) A joint fire district, the clerk of the board of trustees of that district;	5790 5791
(11) A regional or county library district, the person responsible for the financial affairs of that district;	5792 5793
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	5794 5795 5796
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	5797 5798 5799
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	5800 5801 5802
(15) A subdivision described in division (MM)(17) of this	5803

section, the officer who is designated by law as or performs the 5804
functions of its chief fiscal officer. 5805

(M) "Fiscal year" has the same meaning as in section 9.34 of 5806
the Revised Code. 5807

(N) "Fractionalized interests in public obligations" means 5808
participations, certificates of participation, shares, or other 5809
instruments or agreements, separate from the public obligations 5810
themselves, evidencing ownership of interests in public 5811
obligations or of rights to receive payments of, or on account of, 5812
principal or interest or their equivalents payable by or on behalf 5813
of an obligor pursuant to public obligations. 5814

(O) "Fully registered securities" means securities in 5815
certificated or uncertificated form, registered as to both 5816
principal and interest in the name of the owner. 5817

(P) "Fund" means to provide for the payment of debt charges 5818
and expenses related to that payment at or prior to retirement by 5819
purchase, call for redemption, payment at maturity, or otherwise. 5820

(Q) "General obligation" means securities to the payment of 5821
debt charges on which the full faith and credit and the general 5822
property taxing power, including taxes within the tax limitation 5823
if available to the subdivision, of the subdivision are pledged. 5824

(R) "Interest" or "interest equivalent" means those payments 5825
or portions of payments, however denominated, that constitute or 5826
represent consideration for forbearing the collection of money, or 5827
for deferring the receipt of payment of money to a future time. 5828

(S) "Internal Revenue Code" means the "Internal Revenue Code 5829
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 5830
includes any laws of the United States providing for application 5831
of that code. 5832

(T) "Issuer" means any public issuer and any nonprofit 5833

corporation authorized to issue securities for or on behalf of any public issuer. 5834
5835

(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority. 5836
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(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year. 5841
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(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year. 5848
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(X) "Net indebtedness" has the same meaning as in division (A) of section 133.04 of the Revised Code. 5853
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(Y) "Obligor," in the case of securities or fractionalized interests in public obligations issued by another person the debt charges or their equivalents on which are payable from payments made by a public issuer, means that public issuer. 5855
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(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources 5859
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of revenues, may be issued or for which special assessments may be 5865
levied by a single ordinance or resolution. "One purpose" 5866
includes, but is not limited to, in any case any off-street 5867
parking facilities relating to another permanent improvement, and: 5868

(1) Any number of roads, highways, streets, bridges, 5869
sidewalks, and viaducts; 5870

(2) Any number of off-street parking facilities; 5871

(3) In the case of a county, any number of permanent 5872
improvements for courthouse, jail, county offices, and other 5873
county buildings, and related facilities; 5874

(4) In the case of a school district, any number of 5875
facilities and buildings for school district purposes, and related 5876
facilities. 5877

(AA) "Outstanding," referring to securities, means securities 5878
that have been issued, delivered, and paid for, except any of the 5879
following: 5880

(1) Securities canceled upon surrender, exchange, or 5881
transfer, or upon payment or redemption; 5882

(2) Securities in replacement of which or in exchange for 5883
which other securities have been issued; 5884

(3) Securities for the payment, or redemption or purchase for 5885
cancellation prior to maturity, of which sufficient moneys or 5886
investments, in accordance with the applicable legislation or 5887
other proceedings or any applicable law, by mandatory sinking fund 5888
redemption requirements, mandatory sinking fund requirements, or 5889
otherwise, have been deposited, and credited for the purpose in a 5890
bond retirement fund or with a trustee or paying or escrow agent, 5891
whether at or prior to their maturity or redemption, and, in the 5892
case of securities to be redeemed prior to their stated maturity, 5893
notice of redemption has been given or satisfactory arrangements 5894

have been made for giving notice of that redemption, or waiver of 5895
that notice by or on behalf of the affected security holders has 5896
been filed with the subdivision or its agent for the purpose. 5897

(BB) "Paying agent" means the one or more banks, trust 5898
companies, or other financial institutions or qualified persons, 5899
including an appropriate office or officer of the subdivision, 5900
designated as a paying agent or place of payment of debt charges 5901
on the particular securities. 5902

(CC) "Permanent improvement" or "improvement" means any 5903
property, asset, or improvement certified by the fiscal officer, 5904
which certification is conclusive, as having an estimated life or 5905
period of usefulness of five years or more, and includes, but is 5906
not limited to, real estate, buildings, and personal property and 5907
interests in real estate, buildings, and personal property, 5908
equipment, furnishings, and site improvements, and reconstruction, 5909
rehabilitation, renovation, installation, improvement, 5910
enlargement, and extension of property, assets, or improvements so 5911
certified as having an estimated life or period of usefulness of 5912
five years or more. The acquisition of all the stock ownership of 5913
a corporation is the acquisition of a permanent improvement to the 5914
extent that the value of that stock is represented by permanent 5915
improvements. A permanent improvement for parking, highway, road, 5916
and street purposes includes resurfacing, but does not include 5917
ordinary repair. 5918

(DD) "Person" has the same meaning as in section 1.59 of the 5919
Revised Code and also includes any federal, state, interstate, 5920
regional, or local governmental agency, any subdivision, and any 5921
combination of those persons. 5922

(EE) "Proceedings" means the legislation, certifications, 5923
notices, orders, sale proceedings, trust agreement or indenture, 5924
mortgage, lease, lease-purchase agreement, assignment, credit 5925

enhancement facility agreements, and other agreements, 5926
instruments, and documents, as amended and supplemented, and any 5927
election proceedings, authorizing, or providing for the terms and 5928
conditions applicable to, or providing for the security or sale or 5929
award of, public obligations, and includes the provisions set 5930
forth or incorporated in those public obligations and proceedings. 5931

(FF) "Public issuer" means any of the following that is 5932
authorized by law to issue securities or enter into public 5933
obligations: 5934

(1) The state, including an agency, commission, officer, 5935
institution, board, authority, or other instrumentality of the 5936
state; 5937

(2) A taxing authority, subdivision, district, or other local 5938
public or governmental entity, and any combination or consortium, 5939
or public division, district, commission, authority, department, 5940
board, officer, or institution, thereof; 5941

(3) Any other body corporate and politic, or other public 5942
entity. 5943

(GG) "Public obligations" means both of the following: 5944

(1) Securities; 5945

(2) Obligations of a public issuer to make payments under 5946
installment sale, lease, lease purchase, or similar agreements, 5947
which obligations bear interest or interest equivalent. 5948

(HH) "Refund" means to fund and retire outstanding 5949
securities, including advance refunding with or without payment or 5950
redemption prior to maturity. 5951

(II) "Register" means the books kept and maintained by the 5952
registrar for registration, exchange, and transfer of registered 5953
securities. 5954

(JJ) "Registrar" means the person responsible for keeping the 5955

register for the particular registered securities, designated by 5956
or pursuant to the proceedings. 5957

(KK) "Securities" means bonds, notes, certificates of 5958
indebtedness, commercial paper, and other instruments in writing, 5959
including, unless the context does not admit, anticipatory 5960
securities, issued by an issuer to evidence its obligation to 5961
repay money borrowed, or to pay interest, by, or to pay at any 5962
future time other money obligations of, the issuer of the 5963
securities, but not including public obligations described in 5964
division (GG)(2) of this section. 5965

(LL) "Self-supporting securities" means securities or 5966
portions of securities issued for the purpose of paying costs of 5967
permanent improvements to the extent that receipts of the 5968
subdivision, other than the proceeds of taxes levied by that 5969
subdivision, derived from or with respect to the improvements or 5970
the operation of the improvements being financed, or the 5971
enterprise, system, project, or category of improvements of which 5972
the improvements being financed are part, are estimated by the 5973
fiscal officer to be sufficient to pay the current expenses of 5974
that operation or of those improvements or enterprise, system, 5975
project, or categories of improvements and the debt charges 5976
payable from those receipts on securities issued for the purpose. 5977
Until such time as the improvements or increases in rates and 5978
charges have been in operation or effect for a period of at least 5979
six months, the receipts therefrom, for purposes of this 5980
definition, shall be those estimated by the fiscal officer, except 5981
that those receipts may include, without limitation, payments made 5982
and to be made to the subdivision under leases or agreements in 5983
effect at the time the estimate is made. In the case of an 5984
operation, improvements, or enterprise, system, project, or 5985
category of improvements without at least a six-month history of 5986
receipts, the estimate of receipts by the fiscal officer, other 5987

than those to be derived under leases and agreements then in effect, shall be confirmed by the taxing authority. 5988
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(MM) "Subdivision" means any of the following: 5990

(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution; 5991
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(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution; 5993
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(3) A school district; 5996

(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code; 5997
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(5) A joint township hospital district organized under section 513.07 of the Revised Code; 5999
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(6) A joint ambulance district organized under section 505.71 of the Revised Code; 6001
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(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code; 6003
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(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; 6005
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(9) A township police district organized under section 505.48 of the Revised Code; 6009
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(10) A township; 6011

(11) A joint fire district organized under section 505.371 of the Revised Code; 6012
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(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code; 6014
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- (13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code; 6017
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- (14) A joint emergency medical services district organized under section 307.052 of the Revised Code; 6019
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- (15) A fire and ambulance district organized under section 505.375 of the Revised Code; 6021
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- (16) A fire district organized under division (C) of section 505.37 of the Revised Code; 6023
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- (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. 6025
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- (NN) "Taxing authority" means in the case of the following subdivisions: 6028
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- (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; 6030
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- (2) A municipal corporation, the legislative authority; 6036
- (3) A school district, the board of education; 6037
- (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; 6038
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- (5) A joint township hospital district, the joint township hospital board; 6042
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- (6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district 6044
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organized under sections 2152.41 and 2151.65 of the Revised Code, 6046
or a joint emergency medical services district, the joint board of 6047
county commissioners; 6048

(7) A township, a fire district organized under division (C) 6049
of section 505.37 of the Revised Code, or a township police 6050
district, the board of township trustees; 6051

(8) A joint solid waste management district organized under 6052
section 343.01 or 343.012 of the Revised Code, the board of 6053
directors of the district; 6054

(9) A subdivision described in division (MM)(17) of this 6055
section, the legislative or governing body or official. 6056

(OO) "Tax limitation" means the "ten-mill limitation" as 6057
defined in section 5705.02 of the Revised Code without diminution 6058
by reason of section 5705.313 of the Revised Code or otherwise, 6059
or, in the case of a municipal corporation or county with a 6060
different charter limitation on property taxes levied to pay debt 6061
charges on unvoted securities, that charter limitation. Those 6062
limitations shall be respectively referred to as the "ten-mill 6063
limitation" and the "charter tax limitation." 6064

(PP) "Tax valuation" means the aggregate of the valuations of 6065
property subject to ad valorem property taxation by the 6066
subdivision on the real property, personal property, and public 6067
utility property tax lists and duplicates most recently certified 6068
for collection, and shall be calculated without deductions of the 6069
valuations of otherwise taxable property exempt in whole or in 6070
part from taxation by reason of exemptions of certain amounts of 6071
taxable value under division (C) of section 5709.01 or section 6072
323.152 of the Revised Code, or similar laws now or in the future 6073
in effect. 6074

For purposes of section 133.06 of the Revised Code, "tax 6075
valuation" shall not include the valuation of tangible personal 6076

property used in business, telephone or telegraph property, 6077
interexchange telecommunications company property, or personal 6078
property owned or leased by a railroad company and used in 6079
railroad operations listed under or described in section 5711.22, 6080
division (B) or (F) of section 5727.111, or section 5727.12 of the 6081
Revised Code. 6082

(QQ) "Year" means the calendar year. 6083

(RR) "Administrative agent," "agent," "commercial paper," 6084
"floating rate interest structure," "indexing agent," "interest 6085
rate hedge," "interest rate period," "put arrangement," and 6086
"remarketing agent" have the same meanings as in section 9.98 of 6087
the Revised Code. 6088

(SS) "Sales tax supported" means obligations to the payment 6089
of debt charges on which an additional sales tax or additional 6090
sales taxes have been pledged by the taxing authority of a county 6091
pursuant to section 133.081 of the Revised Code. 6092

Sec. 133.04. (A) As used in this chapter, "net indebtedness" 6093
means, as determined pursuant to this section, the principal 6094
amount of the outstanding securities of a subdivision less the 6095
amount held in a bond retirement fund to the extent such amount is 6096
not taken into account in determining the principal amount 6097
outstanding under division (AA) of section 133.01 of the Revised 6098
Code. For purposes of this definition, the principal amount of 6099
outstanding securities includes the principal amount of 6100
outstanding securities of another subdivision apportioned to the 6101
subdivision as a result of acquisition of territory, and excludes 6102
the principal amount of outstanding securities of the subdivision 6103
apportioned to another subdivision as a result of loss of 6104
territory and the payment or reimbursement obligations of the 6105
subdivision under credit enhancement facilities relating to 6106
outstanding securities. 6107

(B) In calculating the net indebtedness of a subdivision, 6108
none of the following securities, including anticipatory 6109
securities issued in anticipation of their issuance, shall be 6110
considered: 6111

(1) Securities issued in anticipation of the levy or 6112
collection of special assessments, either in original or refunded 6113
form; 6114

(2) Securities issued in anticipation of the collection of 6115
current revenues for the fiscal year or other period not to exceed 6116
twelve consecutive months, or securities issued in anticipation of 6117
the collection of the proceeds from a specifically identified 6118
voter-approved tax levy; 6119

(3) Securities issued for purposes described in section 6120
133.12 of the Revised Code; 6121

(4) Securities issued under Chapter 122., 140., 165., 725., 6122
or 761. or section 131.23 of the Revised Code; 6123

(5) Securities issued to pay final judgments or 6124
court-approved settlements under authorizing laws and securities 6125
issued under section 2744.081 of the Revised Code; 6126

(6) Securities issued to pay costs of permanent improvements 6127
to the extent they are issued in anticipation of the receipt of, 6128
and are payable as to principal from, federal or state grants or 6129
distributions for, or legally available for, that principal or for 6130
the costs of those permanent improvements; 6131

(7) Securities issued to evidence loans from the state 6132
capital improvements fund pursuant to Chapter 164. of the Revised 6133
Code or from the state infrastructure bank pursuant to section 6134
5531.09 of the Revised Code; 6135

(8) That percentage of the principal amount of general 6136
obligation securities issued by a county, township, or municipal 6137

corporation to pay the costs of permanent improvements equal to 6138
the percentage of the debt charges on those securities payable 6139
during the current fiscal year that the fiscal officer estimates 6140
can be paid during the current fiscal year from payments in lieu 6141
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 6142
5709.79 of the Revised Code, and that the legislation authorizing 6143
the issuance of the securities pledges or covenants will be used 6144
for the payment of those debt charges; provided that the amount 6145
excluded from consideration under division (B)(8) of this section 6146
shall not exceed the lesser of thirty million dollars or one-half 6147
per cent of the subdivision's tax valuation in the case of a 6148
county or township, or one and one-tenth per cent of the 6149
subdivision's tax valuation in the case of a municipal 6150
corporation; 6151

(9) Securities issued in an amount equal to the property tax 6152
replacement payments received under section 5727.85 or 5727.86 of 6153
the Revised Code; 6154

~~(9)(10) Securities issued in an amount equal to the property 6155
tax replacement payments received under section 5751.21 or 5751.22 6156
of the Revised Code;~~ 6157

~~(11)~~ Other securities, including self-supporting securities, 6158
excepted by law from the calculation of net indebtedness or from 6159
the application of this chapter; 6160

~~(10)(12)~~ Any other securities outstanding on October 30, 6161
1989, and then excepted from the calculation of net indebtedness 6162
or from the application of this chapter, and securities issued at 6163
any time to fund or refund those securities. 6164

Sec. 133.06. (A) A school district shall not incur, without a 6165
vote of the electors, net indebtedness that exceeds an amount 6166
equal to one-tenth of one per cent of its tax valuation, except as 6167

provided in divisions (G) and (H) of this section and in division 6168
(C) of section 3313.372 of the Revised Code, or as prescribed in 6169
section 3318.052 of the Revised Code, or as provided in division 6170
(J) of this section. 6171

(B) Except as provided in divisions (E), (F), and (I) of this 6172
section, a school district shall not incur net indebtedness that 6173
exceeds an amount equal to nine per cent of its tax valuation. 6174

(C) A school district shall not submit to a vote of the 6175
electors the question of the issuance of securities in an amount 6176
that will make the district's net indebtedness after the issuance 6177
of the securities exceed an amount equal to four per cent of its 6178
tax valuation, unless the superintendent of public instruction, 6179
acting under policies adopted by the state board of education, and 6180
the tax commissioner, acting under written policies of the 6181
commissioner, consent to the submission. A request for the 6182
consents shall be made at least ~~thirty~~ one hundred five days prior 6183
to the election at which the question is to be submitted, ~~except~~ 6184
~~that the superintendent of public instruction and the tax~~ 6185
~~commissioner may waive this thirty day deadline or grant their~~ 6186
~~consents after the election if the school district shows good~~ 6187
~~cause for such waiver or consent after the election.~~ 6188

The superintendent of public instruction shall certify to the 6189
district the superintendent's and the tax commissioner's decisions 6190
within thirty days after receipt of the request for consents. 6191

If the electors do not approve the issuance of securities at 6192
the election for which the superintendent of public instruction 6193
and tax commissioner consented to the submission of the question, 6194
the school district may submit the same question to the electors 6195
on the date that the next special election may be held under 6196
section 3501.01 of the Revised Code without submitting a new 6197
request for consent. If the school district seeks to submit the 6198
same question at any other subsequent election, the district shall 6199

<u>first submit a new request for consent in accordance with this</u>	6200
<u>division.</u>	6201
(D) In calculating the net indebtedness of a school district,	6202
none of the following shall be considered:	6203
(1) Securities issued to acquire school buses and other	6204
equipment used in transporting pupils or issued pursuant to	6205
division (D) of section 133.10 of the Revised Code;	6206
(2) Securities issued under division (F) of this section,	6207
under section 133.301 of the Revised Code, and, to the extent in	6208
excess of the limitation stated in division (B) of this section,	6209
under division (E) of this section;	6210
(3) Indebtedness resulting from the dissolution of a joint	6211
vocational school district under section 3311.217 of the Revised	6212
Code, evidenced by outstanding securities of that joint vocational	6213
school district;	6214
(4) Loans, evidenced by any securities, received under	6215
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	6216
Revised Code;	6217
(5) Debt incurred under section 3313.374 of the Revised Code;	6218
(6) Debt incurred pursuant to division (B)(5) of section	6219
3313.37 of the Revised Code to acquire computers and related	6220
hardware;	6221
(7) Debt incurred under section 3318.042 of the Revised Code.	6222
(E) A school district may become a special needs district as	6223
to certain securities as provided in division (E) of this section.	6224
(1) A board of education, by resolution, may declare its	6225
school district to be a special needs district by determining both	6226
of the following:	6227
(a) The student population is not being adequately serviced	6228

by the existing permanent improvements of the district. 6229

(b) The district cannot obtain sufficient funds by the 6230
issuance of securities within the limitation of division (B) of 6231
this section to provide additional or improved needed permanent 6232
improvements in time to meet the needs. 6233

(2) The board of education shall certify a copy of that 6234
resolution to the superintendent of public instruction with a 6235
statistical report showing all of the following: 6236

(a) A history of and a projection of the growth of the 6237
student population; 6238

(b) The history of and a projection of the growth of the tax 6239
valuation; 6240

(c) The projected needs; 6241

(d) The estimated cost of permanent improvements proposed to 6242
meet such projected needs. 6243

(3) The superintendent of public instruction shall certify 6244
the district as an approved special needs district if the 6245
superintendent finds both of the following: 6246

(a) The district does not have available sufficient 6247
additional funds from state or federal sources to meet the 6248
projected needs. 6249

(b) The projection of the potential average growth of tax 6250
valuation during the next five years, according to the information 6251
certified to the superintendent and any other information the 6252
superintendent obtains, indicates a likelihood of potential 6253
average growth of tax valuation of the district during the next 6254
five years of an average of not less than three per cent per year. 6255
The findings and certification of the superintendent shall be 6256
conclusive. 6257

(4) An approved special needs district may incur net 6258

indebtedness by the issuance of securities in accordance with the 6259
provisions of this chapter in an amount that does not exceed an 6260
amount equal to the greater of the following: 6261

(a) Nine per cent of the sum of its tax valuation plus an 6262
amount that is the product of multiplying that tax valuation by 6263
the percentage by which the tax valuation has increased over the 6264
tax valuation on the first day of the sixtieth month preceding the 6265
month in which its board determines to submit to the electors the 6266
question of issuing the proposed securities; 6267

(b) Nine per cent of the sum of its tax valuation plus an 6268
amount that is the product of multiplying that tax valuation by 6269
the percentage, determined by the superintendent of public 6270
instruction, by which that tax valuation is projected to increase 6271
during the next ten years. 6272

(F) A school district may issue securities for emergency 6273
purposes, in a principal amount that does not exceed an amount 6274
equal to three per cent of its tax valuation, as provided in this 6275
division. 6276

(1) A board of education, by resolution, may declare an 6277
emergency if it determines both of the following: 6278

(a) School buildings or other necessary school facilities in 6279
the district have been wholly or partially destroyed, or condemned 6280
by a constituted public authority, or that such buildings or 6281
facilities are partially constructed, or so constructed or planned 6282
as to require additions and improvements to them before the 6283
buildings or facilities are usable for their intended purpose, or 6284
that corrections to permanent improvements are necessary to remove 6285
or prevent health or safety hazards. 6286

(b) Existing fiscal and net indebtedness limitations make 6287
adequate replacement, additions, or improvements impossible. 6288

(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, 6320
professional engineer, or other person experienced in the design 6321
and implementation of energy conservation measures for an analysis 6322
and recommendations pertaining to installations, modifications of 6323
installations, or remodeling that would significantly reduce 6324
energy consumption in buildings owned by the district. The report 6325
shall include estimates of all costs of such installations, 6326
modifications, or remodeling, including costs of design, 6327
engineering, installation, maintenance, repairs, and debt service, 6328
and estimates of the amounts by which energy consumption and 6329
resultant operational and maintenance costs, as defined by the 6330
Ohio school facilities commission, would be reduced. 6331

If the board finds after receiving the report that the amount 6332
of money the district would spend on such installations, 6333
modifications, or remodeling is not likely to exceed the amount of 6334
money it would save in energy and resultant operational and 6335
maintenance costs over the ensuing fifteen years, the board may 6336
submit to the commission a copy of its findings and a request for 6337
approval to incur indebtedness to finance the making or 6338
modification of installations or the remodeling of buildings for 6339
the purpose of significantly reducing energy consumption. 6340

If the commission determines that the board's findings are 6341
reasonable, it shall approve the board's request. Upon receipt of 6342
the commission's approval, the district may issue securities 6343
without a vote of the electors in a principal amount not to exceed 6344
nine-tenths of one per cent of its tax valuation for the purpose 6345
of making such installations, modifications, or remodeling, but 6346
the total net indebtedness of the district without a vote of the 6347
electors incurred under this and all other sections of the Revised 6348
Code, except section 3318.052 of the Revised Code, shall not 6349
exceed one per cent of the district's tax valuation. 6350

So long as any securities issued under division (G) of this 6351

section remain outstanding, the board of education shall monitor
the energy consumption and resultant operational and maintenance
costs of buildings in which installations or modifications have
been made or remodeling has been done pursuant to division (G) of
this section and shall maintain and annually update a report
documenting the reductions in energy consumption and resultant
operational and maintenance cost savings attributable to such
installations, modifications, or remodeling. The report shall be
certified by an architect or engineer independent of any person
that provided goods or services to the board in connection with
the energy conservation measures that are the subject of the
report. The resultant operational and maintenance cost savings
shall be certified by the school district treasurer. The report
shall be made available to the commission upon request.

(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;

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(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.

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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.

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(I) A school district may incur net indebtedness by the
issuance of securities in accordance with the provisions of this
chapter in excess of the limit specified in division (B) or (C) of
this section when necessary to raise the school district portion
of the basic project cost ~~pursuant to~~ and any additional funds
necessary to participate in a project under Chapter 3318. of the
Revised Code, including the cost of items designated by the Ohio
school facilities commission as required locally funded
initiatives and the cost for site acquisition. The school
facilities commission shall notify the superintendent of public
instruction whenever a school district will exceed either limit
pursuant to this division.

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(J) A school district whose portion of the basic project cost
of its classroom facilities project under sections 3318.01 to
3318.20 of the Revised Code is greater than or equal to one
hundred million dollars may incur without a vote of the electors
net indebtedness in an amount up to two per cent of its tax
valuation through the issuance of general obligation securities in
order to generate all or part of the amount of its portion of the

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basic project cost if the controlling board has approved the 6415
school facilities commission's conditional approval of the project 6416
under section 3318.04 of the Revised Code. The school district 6417
board and the Ohio school facilities commission shall include the 6418
dedication of the proceeds of such securities in the agreement 6419
entered into under section 3318.08 of the Revised Code. No state 6420
moneys shall be released for a project to which this section 6421
applies until the proceeds of any bonds issued under this section 6422
that are dedicated for the payment of the school district portion 6423
of the project are first deposited into the school district's 6424
project construction fund. 6425

Sec. 133.12. (A) If the tax commissioner determines that 6426
funds are not otherwise available for the purpose, the taxing 6427
authority of a subdivision having general property taxing power 6428
may issue general obligation securities in case of any of the 6429
following: 6430

(1) An epidemic or threatened epidemic, or during an unusual 6431
prevalence of a dangerous communicable disease, to defray those 6432
expenses that the board of health having jurisdiction within the 6433
subdivision considers necessary to prevent the spread of the 6434
epidemic or disease; 6435

(2) The destruction of an essential permanent improvement by 6436
fire, flood, or extraordinary catastrophe, to provide temporary 6437
necessary facilities in place of that permanent improvement; 6438

(3) A special election called after the adoption of the 6439
annual appropriation measure, to pay the costs of that election 6440
payable by the subdivision; 6441

(4) The outbreak or infestation of a pest in a quarantined 6442
area, to defray those expenses that the subdivision considers 6443
necessary to combat the pest, including removal or complete 6444

destruction of plants that are dead or dying from the pest. 6445

(B) One-half of the principal amount of the securities issued 6446
under this section prior to the effective date of this amendment 6447
shall mature on the first day of June next following the next 6448
February tax settlement at which, in accordance with the statutory 6449
tax budget procedure, a property tax to pay the debt charges on 6450
the securities can be included in the budget, and the other 6451
one-half of the principal amount shall mature on the next 6452
following first day of December. The last maturity of the 6453
securities issued under this section on and after the effective 6454
date of this amendment shall be not later than the last day of 6455
December of the tenth year following the year in which the 6456
securities are first issued. A property tax shall be levied to pay 6457
debt charges on ~~these~~ any of those securities. 6458

(C) As used in this section: 6459

(1) "Pest" has the same meaning as in section 927.51 of the 6460
Revised Code. 6461

(2) "Quarantined area" has the same meaning as in section 6462
927.39 of the Revised Code. 6463

Sec. 133.18. (A) The taxing authority of a subdivision may by 6464
legislation submit to the electors of the subdivision the question 6465
of issuing any general obligation bonds, for one purpose, that the 6466
subdivision has power or authority to issue. 6467

(B) When the taxing authority of a subdivision desires or is 6468
required by law to submit the question of a bond issue to the 6469
electors, it shall pass legislation that does all of the 6470
following: 6471

(1) Declares the necessity and purpose of the bond issue; 6472

(2) States the date of the authorized election at which the 6473
question shall be submitted to the electors; 6474

(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 principal amounts in each year over the maximum number of years over which the principal of the bonds may be paid as stated in that legislation, and that the amount of the tax valuation of the subdivision for the current year remains the same throughout the maturity of the bonds, except as otherwise provided in division (C)(2) of this section. If the tax valuation for the current year is not determined, the county auditor shall base the calculation on the estimated amount of the tax valuation submitted by the county auditor to the county budget commission. If the subdivision

is located in more than one county, the county auditor shall 6507
obtain the assistance of the county auditors of the other 6508
counties, and those county auditors shall provide assistance, in 6509
establishing the tax valuation of the subdivision for purposes of 6510
certifying the estimated average annual property tax levy. 6511

(2) When considering the tangible personal property component 6512
of the tax valuation of the subdivision, the county auditor shall 6513
take into account the assessment percentages prescribed in section 6514
5711.22 of the Revised Code. The tax commissioner may issue rules, 6515
orders, or instructions directing how the assessment percentages 6516
must be utilized. 6517

(D) After receiving the county auditor's advice under 6518
division (C) of this section, the taxing authority by legislation 6519
may determine to proceed with submitting the question of the issue 6520
of securities, and shall, not later than the seventy-fifth day 6521
before the day of the election, file the following with the board 6522
of elections: 6523

(1) Copies of the legislation provided for in divisions (B) 6524
and (D) of this section; 6525

(2) The amount of the estimated average annual property tax 6526
levy, expressed in cents or dollars and cents for each one hundred 6527
dollars of tax valuation and in mills for each one dollar of tax 6528
valuation, as estimated and certified to the taxing authority by 6529
the county auditor. 6530

(E)(1) The board of elections shall prepare the ballots and 6531
make other necessary arrangements for the submission of the 6532
question to the electors of the subdivision. If the subdivision is 6533
located in more than one county, the board shall inform the boards 6534
of elections of the other counties of the filings with it, and 6535
those other boards shall if appropriate make the other necessary 6536
arrangements for the election in their counties. The election 6537

shall be conducted, canvassed, and certified in the manner 6538
provided in Title XXXV of the Revised Code. 6539

(2) The election shall be held at the regular places for 6540
voting in the subdivision. If the electors of only a part of a 6541
precinct are qualified to vote at the election the board of 6542
elections may assign the electors in that part to an adjoining 6543
precinct, including an adjoining precinct in another county if the 6544
board of elections of the other county consents to and approves 6545
the assignment. Each elector so assigned shall be notified of that 6546
fact prior to the election by notice mailed by the board of 6547
elections, in such manner as it determines, prior to the election. 6548

(3) The board of elections shall publish a notice of the 6549
election, in one or more newspapers of general circulation in the 6550
subdivision, at least once no later than ten days prior to the 6551
election. The notice shall state all of the following: 6552

(a) The principal amount of the proposed bond issue; 6553

(b) The stated purpose for which the bonds are to be issued; 6554

(c) The maximum number of years over which the principal of 6555
the bonds may be paid; 6556

(d) The estimated additional average annual property tax 6557
levy, expressed in cents or dollars and cents for each one hundred 6558
dollars of tax valuation and in mills for each one dollar of tax 6559
valuation, to be levied outside the tax limitation, as estimated 6560
and certified to the taxing authority by the county auditor; 6561

(e) The first calendar year in which the tax is expected to 6562
be due. 6563

(F)(1) The form of the ballot to be used at the election 6564
shall be substantially either of the following, as applicable: 6565

(a) "Shall bonds be issued by the (name of 6566
subdivision) for the purpose of (purpose of the bond 6567

issue) in the principal amount of (principal amount of 6568
the bond issue), to be repaid annually over a maximum period of 6569
..... (the maximum number of years over which the principal 6570
of the bonds may be paid) years, and an annual levy of property 6571
taxes be made outside the (as applicable, "ten-mill" or 6572
"...charter tax") limitation, estimated by the county auditor to 6573
average over the repayment period of the bond issue 6574
(number of mills) mills for each one dollar of tax valuation, 6575
which amounts to (rate expressed in cents or dollars 6576
and cents, such as "36 cents" or "\$1.41") for each one hundred 6577
dollars of tax valuation, commencing in (first year the 6578
tax will be levied), first due in calendar year (first 6579
calendar year in which the tax shall be due), to pay the annual 6580
debt charges on the bonds, and to pay debt charges on any notes 6581
issued in anticipation of those bonds? 6582

	For the bond issue
	Against the bond issue

"

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(b) In the case of an election held pursuant to legislation 6587
adopted under section 3375.43 or 3375.431 of the Revised Code: 6588
"Shall bonds be issued for (name of library) for 6589
the purpose of (purpose of the bond issue), in the 6590
principal amount of (amount of the bond issue) by 6591
..... (the name of the subdivision that is to issue the bonds 6592
and levy the tax) as the issuer of the bonds, to be repaid 6593
annually over a maximum period of (the maximum number 6594
of years over which the principal of the bonds may be paid) years, 6595
and an annual levy of property taxes be made outside the ten-mill 6596
limitation, estimated by the county auditor to average over the 6597
repayment period of the bond issue (number of mills) 6598

mills for each one dollar of tax valuation, which amounts to 6599
..... (rate expressed in cents or dollars and cents, such as 6600
"36 cents" or "\$1.41") for each one hundred dollars of tax 6601
valuation, commencing in (first year the tax will be 6602
levied), first due in calendar year (first calendar 6603
year in which the tax shall be due), to pay the annual debt 6604
charges on the bonds, and to pay debt charges on any notes issued 6605
in anticipation of those bonds? 6606

	For the bond issue
	Against the bond issue

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(2) The purpose for which the bonds are to be issued shall be 6607
printed in the space indicated, in boldface type. 6608

(G) The board of elections shall promptly certify the results 6609
of the election to the tax commissioner, the county auditor of 6610
each county in which any part of the subdivision is located, and 6611
the fiscal officer of the subdivision. The election, including the 6612
proceedings for and result of the election, is incontestable other 6613
than in a contest filed under section 3515.09 of the Revised Code 6614
in which the plaintiff prevails. 6615

(H) If a majority of the electors voting upon the question 6616
vote for it, the taxing authority of the subdivision may proceed 6617
under sections 133.21 to 133.33 of the Revised Code with the 6618
issuance of the securities and with the levy and collection of a 6619
property tax outside the tax limitation during the period the 6620
securities are outstanding sufficient in amount to pay the debt 6621
charges on the securities, including debt charges on any 6622
anticipatory securities required to be paid from that tax. If 6623
legislation passed under section 133.22 or 133.23 of the Revised 6624
Code authorizing those securities is filed with the county auditor 6625

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
by the fact that the balance of the securities authorized cannot
be issued by reason of the net indebtedness limitation or lapse of
time.

(4) Nothing in this division (I) shall be interpreted or
applied to prevent the issuance of securities in an amount to fund
or refund anticipatory securities lawfully issued.

(5) The limitations of divisions (I)(1) and (2) of this
section do not apply to any securities authorized at an election

under this section if at least ten per cent of the principal 6661
amount of the securities, including anticipatory securities, 6662
authorized has theretofore been issued, or if the securities are 6663
to be issued for the purpose of participating in any federally or 6664
state-assisted program. 6665

(6) The certificate of the fiscal officer of the subdivision 6666
is conclusive proof of the facts referred to in this division. 6667

Sec. 141.08. The chief justice of the supreme court shall 6668
receive ~~his~~ the actual and necessary expenses incurred while 6669
performing ~~his~~ official duties under the law and the constitution 6670
in determining the disqualification or disability of any judge of 6671
the court of common pleas or of the court of appeals, to be paid 6672
from the state treasury upon the warrant of the ~~auditor of state~~ 6673
director of budget and management. 6674

Sec. 141.10. (A) In addition to the annual salary and 6675
expenses provided for in sections 141.04 and 2501.15 of the 6676
Revised Code, each judge of a court of appeals who holds court in 6677
a county in which ~~he~~ the judge does not reside shall receive ~~his~~ 6678
the judge's actual and necessary expenses incurred while so 6679
holding court. Those expenses shall be paid by the treasurer of 6680
state upon the warrant of the ~~auditor of state~~ director of budget 6681
and management. 6682

(B) In addition to the annual salary and expenses provided 6683
for in sections 141.04 and 2501.15 of the Revised Code, each judge 6684
of a court of appeals who is assigned by the chief justice of the 6685
supreme court to aid in disposing of business of a district other 6686
than that in which ~~he~~ the judge is elected or appointed, shall 6687
receive fifty dollars per day for each day of the assignment. The 6688
per diem compensation shall be paid from the treasury of the 6689
county to which the judge is so assigned upon the warrant of the 6690

auditor of that county. 6691

Sec. 145.70. All amounts due the public employees retirement 6692
system from the state treasury pursuant to this chapter shall be 6693
promptly paid upon warrant of the ~~auditor of state~~ director of 6694
budget and management pursuant to a voucher approved by the 6695
director ~~of budget and management~~. 6696

Sec. 173.14. As used in sections 173.14 to ~~173.26~~ 173.27 of 6697
the Revised Code: 6698

(A)(1) Except as otherwise provided in division (A)(2) of 6699
this section, "long-term care facility" includes any residential 6700
facility that provides personal care services for more than 6701
twenty-four hours for two or more unrelated adults, including all 6702
of the following: 6703

(a) A "nursing home," "residential care facility," or "home 6704
for the aging" as defined in section 3721.01 of the Revised Code; 6705

(b) A facility authorized to provide extended care services 6706
under Title XVIII of the "Social Security Act," 49 Stat. 620 6707
(1935), 42 U.S.C. 301, as amended; 6708

(c) A county home or district home operated pursuant to 6709
Chapter 5155. of the Revised Code; 6710

(d) An "adult care facility" as defined in section 3722.01 of 6711
the Revised Code; 6712

(e) A facility approved by the veterans administration under 6713
section 104(a) of the "Veterans Health Care Amendments of 1983," 6714
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 6715
the placement and care of veterans; 6716

(f) An adult foster home certified under section 173.36 of 6717
the Revised Code. 6718

(2) "Long-term care facility" does not include a "residential 6719

facility" as defined in section 5119.22 of the Revised Code or a 6720
"residential facility" as defined in section 5123.19 of the 6721
Revised Code. 6722

(B) "Resident" means a resident of a long-term care facility 6723
and, where appropriate, includes a prospective, previous, or 6724
deceased resident of a long-term care facility. 6725

(C) "Community-based long-term care services" means health 6726
and social services provided to persons in their own homes or in 6727
community care settings, and includes any of the following: 6728

(1) Case management; 6729

(2) Home health care; 6730

(3) Homemaker services; 6731

(4) Chore services; 6732

(5) Respite care; 6733

(6) Adult day care; 6734

(7) Home-delivered meals; 6735

(8) Personal care; 6736

(9) Physical, occupational, and speech therapy; 6737

(10) Transportation; 6738

(11) Any other health and social services provided to persons 6739
that allow them to retain their independence in their own homes or 6740
in community care settings. 6741

(D) "Recipient" means a recipient of community-based 6742
long-term care services and, where appropriate, includes a 6743
prospective, previous, or deceased recipient of community-based 6744
long-term care services. 6745

(E) "Sponsor" means an adult relative, friend, or guardian 6746
who has an interest in or responsibility for the welfare of a 6747

resident or a recipient.

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(F) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.

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(G) "Regional long-term care ombudsperson program" means an entity, either public or private and nonprofit, designated as a regional long-term care ombudsperson program by the state long-term care ombudsperson.

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(H) "Representative of the office of the state long-term care ombudsperson program" means the state long-term care ombudsperson or a member of the ombudsperson's staff, or a person certified as a representative of the office under section 173.21 of the Revised Code.

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(I) "Area agency on aging" means an area agency on aging established under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.

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Sec. 173.27. (A) As used in this section:

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(1) "Applicant" means a person who is under final consideration for employment with the office of the state long-term care ombudsperson program in a full-time, part-time, or temporary position that involves providing ombudsperson services to residents and recipients. "Applicant" includes a person who is 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.

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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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(B)(1) The state long-term care ombudsperson or the

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ombudsperson's designee shall request that the superintendent of 6778
the bureau of criminal identification and investigation conduct a 6779
criminal records check with respect to each applicant. However, if 6780
the applicant is under final consideration for employment as the 6781
state long-term care ombudsperson, the director of aging shall 6782
request that the superintendent conduct the criminal records 6783
check. If an applicant for whom a criminal records check request 6784
is required under this division does not present proof of having 6785
been a resident of this state for the five-year period immediately 6786
prior to the date the criminal records check is requested or 6787
provide evidence that within that five-year period the 6788
superintendent has requested information about the applicant from 6789
the federal bureau of investigation in a criminal records check, 6790
the ombudsperson, designee, or director shall request that the 6791
superintendent obtain information from the federal bureau of 6792
investigation as part of the criminal records check of the 6793
applicant. Even if an applicant for whom a criminal records check 6794
request is required under this division presents proof of having 6795
been a resident of this state for the five-year period, the 6796
ombudsperson, designee, or director may request that the 6797
superintendent include information from the federal bureau of 6798
investigation in the criminal records check. 6799

(2) A person required by division (B)(1) of this section to 6800
request a criminal records check shall do both of the following: 6801

(a) Provide to each applicant for whom a criminal records 6802
check request is required under that division a copy of the form 6803
prescribed pursuant to division (C)(1) of section 109.572 of the 6804
Revised Code and a standard fingerprint impression sheet 6805
prescribed pursuant to division (C)(2) of that section, and obtain 6806
the completed form and impression sheet from the applicant; 6807

(b) Forward the completed form and impression sheet to the 6808
superintendent of the bureau of criminal identification and 6809

investigation. 6810

(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. 6811
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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: 6816
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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. 6823
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(b) A violation of 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 (C)(1)(a) of this section. 6832
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(2)(a) The office of the state long-term care ombudsperson program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the state long-term care 6836
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ombudsperson, ombudsperson's designee, or director of aging shall 6841
request a criminal records check regarding the individual in 6842
accordance with division (B)(1) of this section not later than 6843
five business days after the individual begins conditional 6844
employment. 6845

(b) The office of the state long-term care ombudsperson 6846
program shall terminate the employment of an individual employed 6847
conditionally under division (C)(2)(a) of this section if the 6848
results of the criminal records check request under division (B) 6849
of this section, other than the results of any request for 6850
information from the federal bureau of investigation, are not 6851
obtained within the period ending sixty days after the date the 6852
request is made. Regardless of when the results of the criminal 6853
records check are obtained, if the results indicate that the 6854
individual has been convicted of or pleaded guilty to any of the 6855
offenses listed or described in division (C)(1) of this section, 6856
the office shall terminate the individual's employment unless the 6857
office chooses to employ the individual pursuant to division (F) 6858
of this section. Termination of employment under this division 6859
shall be considered just cause for discharge for purposes of 6860
division (D)(2) of section 4141.29 of the Revised Code if the 6861
individual makes any attempt to deceive the office about the 6862
individual's criminal record. 6863

(D)(1) The office of the state long-term care ombudsperson 6864
program shall pay to the bureau of criminal identification and 6865
investigation the fee prescribed pursuant to division (C)(3) of 6866
section 109.572 of the Revised Code for each criminal records 6867
check conducted pursuant to a request made under division (B) of 6868
this section. 6869

(2) The office of the state long-term care ombudsperson 6870
program may charge an applicant a fee not exceeding the amount the 6871
office pays under division (D)(1) of this section. The office may 6872

collect a fee only if the office notifies the applicant at the 6873
time of initial application for employment of the amount of the 6874
fee. 6875

(E) The report of any criminal records check conducted 6876
pursuant to a request made under this section is not a public 6877
record for the purposes of section 149.43 of the Revised Code and 6878
shall not be made available to any person other than the 6879
following: 6880

(1) The individual who is the subject of the criminal records 6881
check or the individual's representative; 6882

(2) The state long-term care ombudsperson, ombudsperson's 6883
designee, director of health, or the ombudsperson, designee, or 6884
director's representative; 6885

(3) If the state long-term care ombudsperson designates the 6886
head or other employee of a regional long-term care ombudsperson 6887
program to request a criminal records check under this section, a 6888
representative of the office of the state long-term care 6889
ombudsperson program who is responsible for monitoring the 6890
regional program's compliance with this section; 6891

(4) A court, hearing officer, or other necessary individual 6892
involved in a case dealing with a denial of employment of the 6893
applicant or dealing with employment or unemployment benefits of 6894
the applicant. 6895

(F) The director of aging shall adopt rules in accordance 6896
with Chapter 119. of the Revised Code to implement this section. 6897
The rules shall specify circumstances under which the office of 6898
the state long-term care ombudsperson program may employ a person 6899
who has been convicted of or pleaded guilty to an offense listed 6900
or described in division (C)(1) of this section but meets personal 6901
character standards set by the director. 6902

(G) The office of the state long-term care ombudsperson program shall inform each person, at the time of initial application for a position that involves providing ombudsperson services to residents and recipients, 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. 6903
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(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who the office of the state long-term care ombudsperson program employs in a position that involves providing ombudsperson services to residents and recipients, all of the following shall apply: 6910
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(1) If the office employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the office 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. 6916
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(2) If the office employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the office 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. 6922
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(3) If the office in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the office 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. 6927
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Sec. 173.39. (A) As used in sections 173.39 to ~~173.393~~ 6933
~~173.394~~ of the Revised Code, ~~"community-based:~~ 6934

(1) "Community-based long-term care agency" means a person or 6935
government entity that provides community-based long-term care 6936
services under a program the department of aging administers, 6937
regardless of whether the person or government entity is certified 6938
under section 173.391 or authorized to receive payment for the 6939
services from the department under section 173.392 of the Revised 6940
Code. "Community-based long-term care agency" includes a person or 6941
government entity that provides home and community-based services 6942
to older adults through the PASSPORT program created under section 6943
173.40 of the Revised Code. 6944

(2) "Community-based long-term care services" has the same 6945
meaning as in section 173.14 of the Revised Code. 6946

(B) Except as provided in section 173.392 of the Revised 6947
Code, the department of aging may not pay a person or government 6948
entity for providing community-based long-term care services under 6949
a program the department administers unless the person or 6950
government entity is certified under section 173.391 of the 6951
Revised Code and provides the services. 6952

Sec. 173.391. (A) The department of aging or its designee 6953
shall do all of the following in accordance with Chapter 119. of 6954
the Revised Code: 6955

(1) Certify a person or government entity to provide 6956
community-based long-term care services under a program the 6957
department administers if the person or government entity 6958
satisfies the requirements for certification established by rules 6959
adopted under division (B) of this section; 6960

(2) When required to do so by rules adopted under division 6961
(B) of this section, take one or more of the following 6962

disciplinary actions against a person or government entity issued	6963
a certificate under division (A)(1) of this section:	6964
(a) Issue a written warning;	6965
(b) Require the submission of a plan of correction;	6966
(c) Suspend referrals;	6967
(d) Remove clients;	6968
(e) Impose a fiscal sanction such as a civil monetary penalty	6969
or an order that unearned funds be repaid;	6970
(f) Revoke the certificate;	6971
(g) Impose another sanction.	6972
(3) Hold hearings when there is a dispute between the	6973
department or its designee and a person or government entity	6974
concerning actions the department or its designee takes or does	6975
not take under division (A)(1) or (2)(c) to (g) of this section.	6976
(B) The director of aging shall adopt rules in accordance	6977
with Chapter 119. of the Revised Code establishing certification	6978
requirements and standards for determining which type of	6979
disciplinary action to take under division (A)(2) of this section	6980
in individual situations. The rules shall establish procedures for	6981
all of the following:	6982
(1) Ensuring that PASSPORT <u>community-based long-term care</u>	6983
agencies, as defined in section 173.41 of the Revised Code, comply	6984
with that <u>section 173.394 of the Revised Code;</u>	6985
(2) Evaluating the services provided to ensure that they are	6986
provided in a quality manner advantageous to the individual	6987
receiving the services;	6988
(3) Determining when to take disciplinary action under	6989
division (A)(2) of this section and which disciplinary action to	6990
take.	6991

(C) The procedures established in rules adopted under 6992
division (B)(2) of this section shall require that all of the 6993
following be considered as part of an evaluation: 6994

(1) The service provider's experience and financial 6995
responsibility; 6996

(2) The service provider's ability to comply with standards 6997
for the community-based long-term care services that the provider 6998
provides under a program the department administers; 6999

(3) The service provider's ability to meet the needs of the 7000
individuals served; 7001

(4) Any other factor the director considers relevant. 7002

(D) The rules adopted under division (B)(3) of this section 7003
shall specify that the reasons disciplinary action may be taken 7004
under division (A)(2) of this section include good cause, 7005
including misfeasance, malfeasance, nonfeasance, confirmed abuse 7006
or neglect, financial irresponsibility, or other conduct the 7007
director determines is injurious to the health or safety of 7008
individuals being served. 7009

Sec. ~~173.41~~ 173.394. (A) As used in this section: 7010

(1) "Applicant" means a person who is under final 7011
consideration for employment with a ~~PASSPORT~~ community-based 7012
long-term care agency in a full-time, part-time, or temporary 7013
position that involves providing direct care to an ~~elder adult~~ 7014
individual. "Applicant" does not include a person who provides 7015
direct care as a volunteer without receiving or expecting to 7016
receive any form of remuneration other than reimbursement for 7017
actual expenses. 7018

(2) "Criminal records check" ~~and "elder adult" have~~ has the 7019
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 7020

~~(3) "PASSPORT agency" means a public or private entity that provides home and community based services to older adults through the PASSPORT program created under section 173.40 of the Revised Code.~~

(B)(1) Except as provided in division (I) of this section, the chief administrator of a ~~PASSPORT~~ community-based long-term care agency shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each applicant. 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 chief administrator 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 chief administrator 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:

(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;

(b) Forward the completed form and impression sheet to the 7053
superintendent of the bureau of criminal identification and 7054
investigation. 7055

(3) An applicant provided the form and fingerprint impression 7056
sheet under division (B)(2)(a) of this section who fails to 7057
complete the form or provide fingerprint impressions shall not be 7058
employed in any position for which a criminal records check is 7059
required by this section. 7060

(C)(1) Except as provided in rules adopted by the department 7061
of aging in accordance with division (F) of this section and 7062
subject to division (C)(2) of this section, no ~~PASSPORT~~ 7063
community-based long-term care agency shall employ a person in a 7064
position that involves providing direct care to an ~~elder adult~~ 7065
individual if the person has been convicted of or pleaded guilty 7066
to any of the following: 7067

(a) A violation of section 2903.01, 2903.02, 2903.03, 7068
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 7069
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 7070
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 7071
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 7072
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 7073
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 7074
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 7075
2925.22, 2925.23, or 3716.11 of the Revised Code. 7076

(b) A violation of an existing or former law of this state, 7077
any other state, or the United States that is substantially 7078
equivalent to any of the offenses listed in division (C)(1)(a) of 7079
this section. 7080

(2)(a) A ~~PASSPORT~~ community-based long-term care agency may 7081
employ conditionally an applicant for whom a criminal records 7082
check request is required under division (B) of this section prior 7083

to obtaining the results of a criminal records check regarding the 7084
individual, provided that the agency shall request a criminal 7085
records check regarding the individual in accordance with division 7086
(B)(1) of this section not later than five business days after the 7087
individual begins conditional employment. In the circumstances 7088
described in division (I)(2) of this section, a ~~PASSPORT~~ 7089
community-based long-term care agency may employ conditionally an 7090
applicant who has been referred to the ~~PASSPORT~~ agency by an 7091
employment service that supplies full-time, part-time, or 7092
temporary staff for positions involving the direct care of ~~elder~~ 7093
~~adults~~ individuals and for whom, pursuant to that division, a 7094
criminal records check is not required under division (B) of this 7095
section. 7096

(b) A ~~PASSPORT~~ community-based long-term care agency that 7097
employs an individual conditionally under authority of division 7098
(C)(2)(a) of this section shall terminate the individual's 7099
employment if the results of the criminal records check request 7100
under division (B) of this section or described in division (I)(2) 7101
of this section, other than the results of any request for 7102
information from the federal bureau of investigation, are not 7103
obtained within the period ending sixty days after the date the 7104
request is made. Regardless of when the results of the criminal 7105
records check are obtained, if the results indicate that the 7106
individual has been convicted of or pleaded guilty to any of the 7107
offenses listed or described in division (C)(1) of this section, 7108
the agency shall terminate the individual's employment unless the 7109
agency chooses to employ the individual pursuant to division (F) 7110
of this section. Termination of employment under this division 7111
shall be considered just cause for discharge for purposes of 7112
division (D)(2) of section 4141.29 of the Revised Code if the 7113
individual makes any attempt to deceive the agency about the 7114
individual's criminal record. 7115

(D)(1) Each ~~PASSPORT~~ community-based long-term care agency 7116
shall pay to the bureau of criminal identification and 7117
investigation the fee prescribed pursuant to division (C)(3) of 7118
section 109.572 of the Revised Code for each criminal records 7119
check conducted pursuant to a request made under division (B) of 7120
this section. 7121

(2) A ~~PASSPORT~~ community-based long-term care agency may 7122
charge an applicant a fee not exceeding the amount the agency pays 7123
under division (D)(1) of this section. An agency may collect a fee 7124
only if both of the following apply: 7125

(a) The agency notifies the person at the time of initial 7126
application for employment of the amount of the fee and that, 7127
unless the fee is paid, the person will not be considered for 7128
employment; 7129

(b) The ~~medical assistance~~ medicaid program established under 7130
Chapter 5111. of the Revised Code does not reimburse the agency 7131
the fee it pays under division (D)(1) of this section. 7132

(E) The report of any criminal records check conducted 7133
pursuant to a request made under this section is not a public 7134
record for the purposes of section 149.43 of the Revised Code and 7135
shall not be made available to any person other than the 7136
following: 7137

(1) The individual who is the subject of the criminal records 7138
check or the individual's representative; 7139

(2) The chief administrator of the agency requesting the 7140
criminal records check or the administrator's representative; 7141

(3) The administrator of any other facility, agency, or 7142
program that provides direct care to ~~elder adults~~ individuals that 7143
is owned or operated by the same entity that owns or operates the 7144
~~PASSPORT~~ community-based long-term care agency; 7145

(4) The director of aging or a person authorized by the 7146
director to monitor a community-based long-term care agency's 7147
compliance with this section; 7148

(5) A court, hearing officer, or other necessary individual 7149
involved in a case dealing with a denial of employment of the 7150
applicant or dealing with employment or unemployment benefits of 7151
the applicant; 7152

~~(5)~~(6) Any person to whom the report is provided pursuant to, 7153
and in accordance with, division (I)(1) or (2) of this section. 7154

(F) The department of aging shall adopt rules in accordance 7155
with Chapter 119. of the Revised Code to implement this section. 7156
The rules shall specify circumstances under which a ~~PASSPORT~~ 7157
community-based long-term care agency may employ a person who has 7158
been convicted of or pleaded guilty to an offense listed or 7159
described in division (C)(1) of this section but meets personal 7160
character standards set by the department. 7161

(G) The chief administrator of a ~~PASSPORT~~ community-based 7162
long-term care agency shall inform each person, at the time of 7163
initial application for a position that involves providing direct 7164
care to an ~~elder-adult~~ individual, that the person is required to 7165
provide a set of fingerprint impressions and that a criminal 7166
records check is required to be conducted if the person comes 7167
under final consideration for employment. 7168

(H) In a tort or other civil action for damages that is 7169
brought as the result of an injury, death, or loss to person or 7170
property caused by an individual who a ~~PASSPORT~~ community-based 7171
long-term care agency employs in a position that involves 7172
providing direct care to ~~elder-adults~~ individuals, all of the 7173
following shall apply: 7174

(1) If the agency employed the individual in good faith and 7175
reasonable reliance on the report of a criminal records check 7176

requested under this section, the agency shall not be found 7177
negligent solely because of its reliance on the report, even if 7178
the information in the report is determined later to have been 7179
incomplete or inaccurate; 7180

(2) If the agency employed the individual in good faith on a 7181
conditional basis pursuant to division (C)(2) of this section, the 7182
agency shall not be found negligent solely because it employed the 7183
individual prior to receiving the report of a criminal records 7184
check requested under this section; 7185

(3) If the agency in good faith employed the individual 7186
according to the personal character standards established in rules 7187
adopted under division (F) of this section, the agency shall not 7188
be found negligent solely because the individual prior to being 7189
employed had been convicted of or pleaded guilty to an offense 7190
listed or described in division (C)(1) of this section. 7191

(I)(1) The chief administrator of a ~~PASSPORT~~ community-based 7192
long-term care agency is not required to request that the 7193
superintendent of the bureau of criminal identification and 7194
investigation conduct a criminal records check of an applicant if 7195
the applicant has been referred to the agency by an employment 7196
service that supplies full-time, part-time, or temporary staff for 7197
positions involving the direct care of ~~elder adults~~ individuals 7198
and both of the following apply: 7199

(a) The chief administrator receives from the employment 7200
service or the applicant a report of the results of a criminal 7201
records check regarding the applicant that has been conducted by 7202
the superintendent within the one-year period immediately 7203
preceding the applicant's referral; 7204

(b) The report of the criminal records check demonstrates 7205
that the person has not been convicted of or pleaded guilty to an 7206
offense listed or described in division (C)(1) of this section, or 7207

the report demonstrates that the person has been convicted of or
pleaded guilty to one or more of those offenses, but the ~~PASSPORT~~
community-based long-term care agency chooses to employ the
individual pursuant to division (F) of this section.

(2) 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 and
may employ the applicant conditionally as described in this
division, 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 if the chief administrator receives from
the employment service or the applicant a letter from the
employment service that is on the letterhead of the employment
service, dated, and signed by a supervisor or another designated
official of the employment service and that states that the
employment service has requested the superintendent to conduct a
criminal records check regarding the applicant, that the requested
criminal records check will include a determination of whether the
applicant has been convicted of or pleaded guilty to any offense
listed or described in division (C)(1) of this section, that, as
of the date set forth on the letter, the employment service had
not received the results of the criminal records check, and that,
when the employment service receives the results of the criminal
records check, it promptly will send a copy of the results to the
~~PASSPORT~~ community-based long-term care agency. If a ~~PASSPORT~~
community-based long-term care agency employs an applicant
conditionally in accordance with this division, the employment
service, upon its receipt of the results of the criminal records
check, promptly shall send a copy of the results to the ~~PASSPORT~~
community-based long-term care agency, and division (C)(2)(b) of

this section applies regarding the conditional employment. 7240

Sec. 184.20. ~~(A)~~ A member of the third frontier commission or 7241
a member of the third frontier advisory board shall not ~~do either~~ 7242
~~of the following:~~ 7243

~~(1) Receive receive support under section 184.11 of the~~ 7244
~~Revised Code;~~ 7245

~~(2) Receive any financial gain from an entity that is awarded~~ 7246
~~support under section 184.11 of the Revised Code if that financial~~ 7247
~~gain is directly related to, or is the direct result of, the~~ 7248
~~awarding of such support.~~ 7249

~~(B)~~ A member who violates ~~division (A)~~ of this section shall 7250
forfeit the support ~~or financial gain~~ received and shall pay the 7251
amount forfeited to the third frontier commission. 7252

Sec. 307.761. A board of county commissioners may maintain 7253
and operate a facility to encourage the study of and promote the 7254
sciences and natural history, or it may contract with or 7255
contribute to a nonprofit corporation to develop, maintain, and 7256
operate such a facility if the nonprofit corporation is organized, 7257
in whole or in part, for the purpose of encouraging the study of 7258
and to promote the sciences and natural history. 7259

Sec. 319.301. (A) This section does not apply to any of the 7260
following: 7261

(1) Taxes levied at whatever rate is required to produce a 7262
specified amount of tax money, including a tax levied under 7263
section 5705.211 of the Revised Code, or an amount to pay debt 7264
charges; 7265

(2) Taxes levied within the one per cent limitation imposed 7266
by Section 2 of Article XII, Ohio Constitution; 7267

(3) Taxes provided for by the charter of a municipal corporation.	7268 7269
(B) As used in this section:	7270
(1) "Real property" includes real property owned by a railroad.	7271 7272
(2) "Carryover property" means all real property on the current year's tax list except:	7273 7274
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	7275 7276
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	7277 7278
(3) "Effective tax rate" means with respect to each class of property:	7279 7280
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	7281 7282 7283 7284 7285
(b) The taxable value of all real property in that class.	7286
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	7287 7288 7289
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	7290 7291 7292 7293 7294 7295
(D) With respect to each tax authorized to be levied by each	7296

taxing district, the tax commissioner, annually, shall do both of 7297
the following: 7298

(1) Determine by what percentage, if any, the sums levied by 7299
such tax against the carryover property in each class would have 7300
to be reduced for the tax to levy the same number of dollars 7301
against such property in that class in the current year as were 7302
charged against such property by such tax in the preceding year 7303
subsequent to the reduction made under this section but before the 7304
reduction made under section 319.302 of the Revised Code. In the 7305
case of a tax levied for the first time that is not a renewal of 7306
an existing tax, the commissioner shall determine by what 7307
percentage the sums that would otherwise be levied by such tax 7308
against carryover property in each class would have to be reduced 7309
to equal the amount that would have been levied if the full rate 7310
thereof had been imposed against the total taxable value of such 7311
property in the preceding tax year. A tax or portion of a tax that 7312
is designated a replacement levy under section 5705.192 of the 7313
Revised Code is not a renewal of an existing tax for purposes of 7314
this division. 7315

(2) Certify each percentage determined in division (D)(1) of 7316
this section, as adjusted under division (E) of this section, and 7317
the class of property to which that percentage applies to the 7318
auditor of each county in which the district has territory. The 7319
auditor, after complying with section 319.30 of the Revised Code, 7320
shall reduce the sum to be levied by such tax against each parcel 7321
of real property in the district by the percentage so certified 7322
for its class. Certification shall be made by the first day of 7323
September except in the case of a tax levied for the first time, 7324
in which case certification shall be made within fifteen days of 7325
the date the county auditor submits the information necessary to 7326
make the required determination. 7327

(E)(1) As used in division (E)(2) of this section, "pre-1982 7328

joint vocational taxes" means, with respect to a class of
property, the difference between the following amounts:

(a) The taxes charged and payable in tax year 1981 against
the property in that class for the current expenses of the joint
vocational school district of which the school district is a part
after making all reductions under this section;

(b) The following percentage of the taxable value of all real
property in that class:

(i) In 1987, five one-hundredths of one per cent;

(ii) In 1988, one-tenth of one per cent;

(iii) In 1989, fifteen one-hundredths of one per cent;

(iv) In 1990 and each subsequent year, two-tenths of one per
cent.

If the amount in division (E)(1)(b) of this section exceeds
the amount in division (E)(1)(a) of this section, the pre-1982
joint vocational taxes shall be zero.

As used in divisions (E)(2) and (3) of this section, "taxes
charged and payable" has the same meaning as in division (B)(4) of
this section and excludes any tax charged and payable in 1985 or
thereafter under sections 5705.194 to 5705.197 or section 5705.213
of the Revised Code.

(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 7359
equal, when combined with the pre-1982 joint vocational taxes 7360
against that class, the lesser of the following: 7361

(a) The sum of the rates at which those taxes are authorized 7362
to be levied; 7363

(b) Two per cent of the taxable value of the property in that 7364
class. The auditor shall use such percentages in making the 7365
reduction required by this section for that class. 7366

(3)(a) If in the case of a joint vocational school district 7367
any percentage required to be used in division (D)(2) of this 7368
section for either class of property could cause the total taxes 7369
charged and payable for current expenses for that class to be less 7370
than the designated amount, the commissioner shall determine what 7371
percentages would cause the district's total taxes charged and 7372
payable for current expenses for that class, after all reductions 7373
that would otherwise be made under this section, to equal the 7374
designated amount. The auditor shall use such percentages in 7375
making the reductions required by this section for that class. 7376

(b) As used in division (E)(3)(a) of this section, the 7377
designated amount shall equal the taxable value of all real 7378
property in the class that is subject to taxation by the district 7379
times the lesser of the following: 7380

(i) Two-tenths of one per cent; 7381

(ii) The district's effective rate plus the following 7382
percentage for the year indicated: 7383

WHEN COMPUTING THE 7384

TAXES CHARGED FOR ADD THE FOLLOWING PERCENTAGE: 7385

1987 0.025% 7386

1988 0.05% 7387

1989 0.075% 7388

1990 0.1% 7389

1991	0.125%	7390
1992	0.15%	7391
1993	0.175%	7392
1994 and thereafter	0.2%	7393

(F) No reduction shall be made under this section in the rate at which any tax is levied. 7394
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(G) The commissioner may order a county auditor to furnish any information ~~he~~ the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as determined by the commissioner, the commissioner shall withhold from such county or taxing district therein fifty per cent of state revenues to local governments pursuant to section 5747.50 of the Revised Code or shall direct the department of education to withhold therefrom fifty per cent of state revenues to school districts pursuant to Chapter 3317. of the Revised Code. The commissioner shall withhold the distribution of such revenues until the county auditor has complied with this division, and the department shall withhold the distribution of such revenues until the commissioner has notified the department that the county auditor has complied with this division. 7396
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(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 7413
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factor, the commissioner shall compute the actual tax reduction 7422
factor and use that factor to compute the taxes that should have 7423
been charged and payable against each parcel of property for the 7424
year for which the estimated reduction factor was used. The amount 7425
by which the estimated factor resulted in an overpayment or 7426
underpayment in taxes on any parcel shall be added to or 7427
subtracted from the amount due on that parcel in the ensuing tax 7428
year. 7429

A percentage or a tax reduction factor determined or computed 7430
by the commissioner under this section shall be used solely for 7431
the purpose of reducing the sums to be levied by the tax to which 7432
it applies for the year for which it was determined or computed. 7433
It shall not be used in making any tax computations for any 7434
ensuing tax year. 7435

(I) In making the determinations under division (D)(1) of 7436
this section, the tax commissioner shall take account of changes 7437
in the taxable value of carryover property resulting from 7438
complaints filed under section 5715.19 of the Revised Code for 7439
determinations made for the tax year in which such changes are 7440
reported to the commissioner. Such changes shall be reported to 7441
the commissioner on the first abstract of real property filed with 7442
the commissioner under section 5715.23 of the Revised Code 7443
following the date on which the complaint is finally determined by 7444
the board of revision or by a court or other authority with 7445
jurisdiction on appeal. The tax commissioner shall account for 7446
such changes in making the determinations only for the tax year in 7447
which the change in valuation is reported. Such a valuation change 7448
shall not be used to recompute the percentages determined under 7449
division (D)(1) of this section for any prior tax year. 7450

Sec. 333.01. As used in this chapter: 7451

(A) "County sales and use tax" means the tax levied by a 7452

county under division (A) of section 5739.021 or division (A) of 7453
section 5741.021 of the Revised Code that is returned or 7454
distributed to the county under section 5739.21 or 5741.03 of the 7455
Revised Code. 7456

(B) "Impact facility" means a permanent structure, including 7457
all interior or exterior square footage used for educational or 7458
exhibition activities, that meets all of the following criteria: 7459

(1) It is used for the sale of tangible personal property or 7460
services; 7461

(2) At least ten per cent of the facility's total square 7462
footage is dedicated to educational or exhibition activities; 7463

(3) At least fifty million dollars is invested in land, 7464
buildings, infrastructure, and equipment for the facility at the 7465
site of the facility over a period of not more than two years; 7466

(4) An annualized average of at least one hundred fifty new 7467
full-time equivalent positions will be created and maintained at 7468
the facility; 7469

(5) More than fifty per cent of the visitors to the facility 7470
are reasonably anticipated to live at least one hundred miles from 7471
the facility. 7472

(C) "Qualifying investment" means a person's investment in 7473
land, buildings, infrastructure, and equipment for creating an 7474
impact facility. 7475

(D) "Full-time equivalent positions" means the total number 7476
of hours worked at a facility in a work week, divided by forty 7477
hours per week. 7478

Sec. 333.02. Before December 1, 2006, a board of county 7479
commissioners of a county that levies a county sales and use tax 7480
may enter into an agreement with any person that proposes to 7481

construct an impact facility in the county to provide payments to 7482
that person of up to seventy-five per cent of the county sales and 7483
use tax collected on each retail sale made by that person at the 7484
facility, for a term of up to ten years, or until the person's 7485
qualifying investment in the impact facility has been realized 7486
through the payments, whichever occurs first. 7487

Sec. 333.03. (A) A person seeking to enter into an agreement 7488
and obtain payments under section 333.02 of the Revised Code shall 7489
provide both of the following to the board of county 7490
commissioners: 7491

(1) A certification by the person's chief financial officer, 7492
or the equivalent if that position does not exist, that the 7493
criteria listed in division (B) of section 333.01 of the Revised 7494
Code will be met; and 7495

(2) An application on a form or in a format acceptable to the 7496
board that describes the proposed impact facility, including the 7497
projected level of investment in and new jobs to be created at the 7498
facility, the rationale used for determining that more than fifty 7499
per cent of the facility's visitors live at least one hundred 7500
miles from the facility, the types of activities to be conducted 7501
at the facility, the projected levels of sales to occur at the 7502
facility, a calculation of the facility's square footage that will 7503
be dedicated to educational or exhibition activities, and any 7504
other information the board of county commissioners reasonably 7505
requests about the expected operations of the facility. 7506

(B) The board of county commissioners shall request the 7507
director of development to certify that the proposed facility 7508
meets the criteria for an impact facility listed in division (B) 7509
of section 333.01 of the Revised Code. The board of county 7510
commissioners may, but need not, make findings of fact that a 7511

proposed facility meets the criteria for an impact facility listed 7512
in division (B) of section 333.01 of the Revised Code before or 7513
after requesting the certification. If the director of development 7514
certifies a proposed facility as an impact facility under this 7515
section, and if the board makes such findings, the findings and 7516
certification are conclusive and not subject to reopening at any 7517
time. 7518

Sec. 333.04. (A) After review of the items submitted under 7519
division (A) of section 333.03 of the Revised Code, and after 7520
receipt of the certification from the director of development 7521
under division (B) of that section, a board of county 7522
commissioners, before December 1, 2006, may enter into an 7523
agreement under section 333.02 of the Revised Code, provided that 7524
the board has determined all of the following: 7525

(1) The proposed impact facility is economically sound; 7526

(2) Construction of the proposed impact facility has not 7527
begun prior to the day the agreement is entered into; 7528

(3) The impact facility will benefit the county by increasing 7529
employment opportunities and strengthening the local and regional 7530
economy; and 7531

(4) Receiving payments from the board of county commissioners 7532
is a major factor in the person's decision to go forward with 7533
construction of the impact facility. 7534

(B) An agreement entered into under this section shall 7535
include all of the following: 7536

(1) A description of the impact facility that is the subject 7537
of the agreement, including the existing investment level, if any, 7538
the proposed amount of investments, the scheduled starting and 7539
completion dates for the facility, and the number and type of 7540
full-time equivalent positions to be created at the facility; 7541

(2) The percentage of the county sales and use tax collected 7542
at the impact facility that will be used to make payments to the 7543
person entering into the agreement; 7544

(3) The term of the payments and the first calendar quarter 7545
in which the person may apply for a payment under section 333.06 7546
of the Revised Code; 7547

(4) A requirement that the amount of payments made to the 7548
person during the term established under division (B)(3) of this 7549
section shall not exceed the person's qualifying investment, and 7550
that all payments cease when that amount is reached; 7551

(5) A requirement that the person maintain operations at the 7552
impact facility for at least the term established under division 7553
(B)(3) of this section; 7554

(6) A requirement that the person annually certify to the 7555
board of county commissioners, on or before a date established by 7556
the board in the agreement, the level of investment in, the number 7557
of employees and type of full-time equivalent positions at, and 7558
the amount of county sales and use tax collected and remitted to 7559
the tax commissioner or treasurer of state from sales made at, the 7560
facility; 7561

(7) A provision stating that the creation of the proposed 7562
impact facility does not involve the relocation of more than ten 7563
full-time equivalent positions and two million dollars in taxable 7564
assets to the impact facility from another facility owned by the 7565
person, or a related member of the person, that is located in 7566
another political subdivision of this state, other than the 7567
political subdivision in which the impact facility is or will be 7568
located; 7569

(8) A provision stating that the person will not relocate 7570
more than ten full-time equivalent positions and two million 7571
dollars in taxable assets to the impact facility from another 7572

facility in another political subdivision of this state during the 7573
term of the payments without the written approval of the director 7574
of development; 7575

(9) A detailed explanation of how the person determined that 7576
more than fifty per cent of the visitors to the facility live at 7577
least one hundred miles from the facility. 7578

(C) For purposes of this section, the transfer of a full-time 7579
equivalent position or taxable asset from another political 7580
subdivision in this state to the political subdivision in which 7581
the impact facility is or will be located shall be considered a 7582
relocation, unless the person refills the full-time equivalent 7583
position, or replaces the taxable asset with an asset of equal or 7584
greater taxable value, within six months after the transfer. The 7585
person may not receive a payment under this chapter for any year 7586
in which more than ten relocations occurred without the written 7587
consent of the board of county commissioners. 7588

Sec. 333.05. (A) If a person fails to meet or comply with any 7589
provision of an agreement entered into under section 333.02 of the 7590
Revised Code, the board of county commissioners may amend the 7591
agreement to reduce the percentage or term, or both, of the 7592
payments the person is entitled to receive under the agreement. 7593
The reduction shall commence in the calendar quarter immediately 7594
following the calendar quarter in which the board amends the 7595
agreement. 7596

(B) A board of county commissioners shall submit to the 7597
department of development and to the tax commissioner a copy of 7598
each agreement entered into under section 333.02 of the Revised 7599
Code and any modifications to an agreement within thirty days 7600
after finalization or modification of the agreement. 7601

Sec. 333.06. (A) A person who has entered into an agreement 7602

with a board of county commissioners under section 333.02 of the Revised Code shall apply for payment with the county auditor on a form prescribed by the tax commissioner within sixty days after the end of each calendar quarter during which the agreement is in effect. Upon request of the county auditor, the tax commissioner shall provide to the county auditor the applicant's sales or use tax return information or any sales or use tax audit information, including information regarding state refunds of sales or use taxes, that the county auditor needs to determine the amount of the payment that should be made to the applicant.

(B) On receipt of an application for payment under this section and review of the applicant's agreement with the board of county commissioners, the county auditor shall determine the amount of the payment the applicant shall receive as follows:

(1) If the amount of the payment is not less than that claimed on the application, the county auditor shall certify the amount to the county treasurer, who shall make a payment to the applicant from the county sales and use tax revenues returned or distributed to the county under sections 5739.21 and 5741.03 of the Revised Code. Upon request of the board of county commissioners or the tax commissioner, the county auditor shall notify the board or the commissioner, or both, of the amount certified and the date the payment will be made.

(2) If the amount of the payment is less than that claimed on the application, the county auditor shall notify the applicant and provide to the applicant the reasons why the payment is less than that claimed. If the applicant disagrees with the amount of the payment, the applicant may file an appeal with the tax commissioner pursuant to, and within the time prescribed by, section 333.07 of the Revised Code. To assist in reviewing the amount under appeal, the county auditor shall provide to the tax

commissioner any information the commissioner requests.

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(C) A payment made under this section or under section 333.07 of the Revised Code shall not include interest. The amount of the payment shall be subject to adjustment by the county auditor, based on any refunds of the county sales and use tax that were made to the person arising from retail sales at the impact facility, including for calendar quarters in which such sales were made before the calendar quarter for which the person is requesting a payment under this section.

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Sec. 333.07. (A) An applicant who intends to file an appeal with the tax commissioner under division (B)(2) of section 333.06 of the Revised Code shall have sixty days from the date the county auditor mails the notice under that section, as shown by the United States postal service postmark, to file with the commissioner a notice of objection and to request a hearing. The notice of objection shall state the reasons why the applicant objects to the amount of the payment to be paid to the applicant by the county auditor.

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(B)(1) If an applicant who files an appeal with the tax commissioner under division (B)(2) of section 333.06 of the Revised Code does not file a notice of objection within the time limit prescribed under division (A) of this section, the tax commissioner shall take no further action and the county auditor's determination under section 333.06 of the Revised Code is final.

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(2)(a) If the applicant files a notice of objection and requests a hearing within the time limit prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of the time and place, but the commissioner may continue the hearing from time to time as necessary. After the hearing, the commissioner may make adjustments to the payment as the commissioner finds proper, and

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shall issue a final determination thereon.

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(b) If the applicant files a notice of objection within the time limit prescribed by division (A) of this section and does not request a hearing, but provides additional information within the time limit prescribed by division (A) of this section, the tax commissioner shall review the information, may make adjustments to the payment as the commissioner finds proper, and shall issue a final determination thereon.

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(C) The tax commissioner shall serve a copy of the commissioner's final determination under this section on the applicant that filed the appeal and on the county auditor, in the manner provided in section 5703.37 of the Revised Code. The final determination may be appealed by the applicant under section 5717.02 of the Revised Code.

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(D) If applicable, the county auditor shall certify to the county treasurer any payment due to a person pursuant to the tax commissioner's final determination under this section, adjusted for any changes that were made to the amount of the payment as the result of the appeal.

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Sec. 340.021. (A) In an alcohol, drug addiction, and mental health service district comprised of a county with a population of two hundred fifty thousand or more on October 10, 1989, the board of county commissioners shall, within thirty days of October 10, 1989, establish an alcohol and drug addiction services board as the entity responsible for providing alcohol and drug addiction services in the county, unless, prior to that date, the board adopts a resolution providing that the entity responsible for providing the services is a board of alcohol, drug addiction, and mental health services. If the board of county commissioners establishes an alcohol and drug addiction services board, the community mental health board established under former section

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340.02 of the Revised Code shall serve as the entity responsible 7696
for providing mental health services in the county. A community 7697
mental health board has all the powers, duties, and obligations of 7698
a board of alcohol, drug addiction, and mental health services 7699
with regard to mental health services. An alcohol and drug 7700
addiction services board has all the powers, duties, and 7701
obligations of a board of alcohol, drug addiction, and mental 7702
health services with regard to alcohol and drug addiction 7703
services. Any provision of the Revised Code that refers to a board 7704
of alcohol, drug addiction, and mental health services with regard 7705
to mental health services also refers to a community mental health 7706
board and any provision that refers to a board of alcohol, drug 7707
addiction, and mental health services with regard to alcohol and 7708
drug addiction services also refers to an alcohol and drug 7709
addiction services board. 7710

An alcohol and drug addiction services board shall consist of 7711
eighteen members, six of whom shall be appointed by the director 7712
of alcohol and drug addiction services and twelve of whom shall be 7713
appointed by the board of county commissioners. Of the members 7714
appointed by the director, one shall be a person who has received 7715
or is receiving services for alcohol or drug addiction, one shall 7716
be a parent or relative of such a person, one shall be a 7717
professional in the field of alcohol or drug addiction services, 7718
and one shall be an advocate for persons receiving treatment for 7719
alcohol or drug addiction. The membership of the board shall, as 7720
nearly as possible, reflect the composition of the population of 7721
the service district as to race and sex. Members shall be 7722
residents of the service district and shall be interested in 7723
alcohol and drug addiction services. Requirements for membership, 7724
including prohibitions against certain family and business 7725
relationships, and terms of office shall be the same as those for 7726
members of boards of alcohol, drug addiction, and mental health 7727
services. 7728

A community mental health board shall consist of eighteen 7729
members, six of whom shall be appointed by the director of mental 7730
health and twelve of whom shall be appointed by the board of 7731
county commissioners. Of the members appointed by the director, 7732
one shall be a person who has received or is receiving mental 7733
health services, one shall be a parent or relative of such a 7734
person, one shall be a psychiatrist or a physician, and one shall 7735
be a mental health professional. The membership of the board as 7736
nearly as possible shall reflect the composition of the population 7737
of the service district as to race and sex. Members shall be 7738
residents of the service district and shall be interested in 7739
mental health services. Requirements for membership, including 7740
prohibitions against certain family and business relationships, 7741
and terms of office shall be the same as those for members of 7742
boards of alcohol, drug addiction, and mental health services. 7743

(B) If a board of county commissioners subject to division 7744
(A) of this section did not adopt a resolution providing for a 7745
board of alcohol, drug addiction, and mental health services, the 7746
board of county commissioners may ~~adopt a resolution providing for~~ 7747
establish such a board, ~~subject to both of~~ in accordance with the 7748
following procedures: 7749

(1) ~~The resolution shall be adopted not later than January 1,~~ 7750
~~2004.~~ 7751

~~(2) Before adopting the resolution, the board of county~~ 7752
~~commissioners shall provide notice of the proposed resolution to~~ 7753
~~the alcohol and drug services board and the community mental~~ 7754
~~health board and shall provide both boards an opportunity to~~ 7755
~~comment on the proposed resolution~~ Not later than January 1, 2007, 7756
the board of county commissioners shall adopt a resolution 7757
expressing its intent to establish a board of alcohol, drug 7758
addiction, and mental health services. 7759

(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. 7760
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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. 7768
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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~~. 7773
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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 section,~~ appointed by the director of agriculture shall appoint all of the following members to the board as follows: 7778
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(1) One member who is a county commissioner or a representative of a statewide organization that represents county commissioners; 7783
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(2) One member who is a township trustee or a representative of a statewide organization that represents township trustees; 7786
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(3) One representative of the Ohio state university; 7788

(4) One representative of a national nonprofit organization 7789
dedicated to the preservation of farmland; 7790

~~(5) One representative of the natural resources conservation 7791
service in the United States department of agriculture; 7792~~

~~(6)~~ One representative each of development, environmental, 7793
~~and~~ planning, and soil and water conservation interests; 7794

~~(7)~~(6) One farmer from each of the state's four quadrants. 7795

~~Of the initial appointments to the board, four shall serve 7796
for a one year term, four shall serve for a two year term, and 7797
four shall serve for a three year term. Thereafter, terms Terms of 7798
office shall be staggered and shall be for three years, with each 7799
term ending on the same day of the same month as did the term that 7800
it succeeds. Each member shall hold office from the date of 7801
appointment until the end of the term for which the member was 7802
appointed, except that the term of any member who is a county 7803
commissioner or township trustee shall end when the member ceases 7804
to serve as a county commissioner or township trustee. 7805~~

Members may be reappointed. Vacancies shall be filled in the 7806
manner provided for original appointments. Any member appointed to 7807
fill a vacancy occurring prior to the expiration date of the term 7808
for which the member was appointed shall serve for the remainder 7809
of that term. A member shall continue to serve subsequent to the 7810
expiration date of the member's term until the member's successor 7811
takes office or until a period of sixty days has elapsed, 7812
whichever occurs first. Members shall serve at the pleasure of the 7813
director. 7814

The executive director of the office of farmland preservation 7815
in the department of agriculture or another employee of the 7816
department who is designated by the director shall serve as the 7817
nonvoting chairperson of the board. The director annually shall 7818
designate one member of the board to serve as its 7819

vice-chairperson. The board may adopt bylaws governing its 7820
operation and shall meet at a time when the director, or the 7821
director's designee, considers it appropriate in order for the 7822
board to provide advice as required under division (B) of this 7823
section. 7824

(B) The board shall provide advice to the director regarding 7825
all of the following: 7826

(1) The design and implementation of an agricultural easement 7827
purchase program; 7828

(2) The selection of applications that will be awarded 7829
matching grants under division (D) of section 901.22 of the 7830
Revised Code for the purchase of agricultural easements; 7831

(3) The design and implementation of any other statewide 7832
farmland protection measures that the director considers 7833
appropriate. 7834

(C) Serving as a member of the board does not constitute 7835
holding a public office or position of employment under the laws 7836
of this state and does not constitute grounds for removal of 7837
public officers or employees from their offices or positions of 7838
employment. 7839

(D) A board member shall be reimbursed for actual and 7840
necessary expenses incurred in the discharge of duties as a board 7841
member. 7842

Sec. 927.39. (A) As used in this section and in sections 7843
927.40 to 927.42 of the Revised Code: 7844

(1) "Pest" has the same meaning as in section 927.51 of the 7845
Revised Code. 7846

(2) "Quarantined area" means an area that is quarantined by 7847
the director of agriculture under section 927.71 of the Revised 7848

Code or by the United States department of agriculture.

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(B) Counties, townships, and municipal corporations may, upon the vote of the board of county commissioners, the board of township trustees, or the legislative authority of any municipal corporation, purchase or rent ~~spraying~~ equipment and may purchase supplies designed to combat ~~dutch elm disease and phloem necrosis, commonly known as "elmblight,"~~ a pest in a quarantined area and may contract for the hire of necessary employees to operate such equipment and carry out sections 927.39 to 927.42, ~~inclusive,~~ of the Revised Code. Payment for such equipment or its use, supplies, and wages as are contracted for may be provided out of the general fund of such subdivision.

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Any two or more counties, townships, municipal corporations, or any combination of such subdivisions, may jointly contract for the purchase or renting of such ~~spraying~~ equipment, the purchase of such supplies, and for the hiring of such employees to conduct a joint effort to combat ~~dutch elm disease and phloem necrosis~~ a pest in a quarantined area; the payment for such equipment, supplies, and labor may be made jointly, in such proportions as the board of county commissioners, the board of township trustees, or the legislative authority of a municipal corporation may agree upon, out of the general fund of any such subdivision.

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Sec. 927.40. The board of county commissioners, board of township trustees, or legislative authority of a municipal corporation may authorize an agent to enter upon any lands in a quarantined area within the subdivisions for the sole purpose of inspecting such lands for the existence of ~~dutch elm disease or phloem necrosis~~ a pest. Such powers of inspection may be exercised by any such subdivision, through its agent, solely to prepare a campaign within the subdivision against ~~such plant diseases~~ a pest in a quarantined area.

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Sec. 927.41. Upon the purchase or rental of ~~spraying~~ 7880
equipment and the purchase of supplies to combat ~~dutch elm disease~~ 7881
~~and phloem necrosis~~ a pest in a quarantined area, the agents of 7882
the board of county commissioners, board of township trustees, or 7883
legislative authority of a municipal corporation may contact the 7884
owners of land in the quarantined area within the subdivision, to 7885
obtain permission to enter upon such lands to ~~spray and treat~~ 7886
~~trees upon such land~~ combat a pest. After obtaining such 7887
permission, such agents may enter upon such land and ~~spray and~~ 7888
~~treat such trees~~ combat a pest as the owner agrees ~~shall be so~~ 7889
~~treated~~, and the board of county commissioners, board of township 7890
trustees, or legislative authority of the municipal corporation 7891
may charge ~~such~~ fees for such ~~treatment~~ efforts as will cover the 7892
actual costs of ~~such treatment~~ the efforts. 7893

In the same manner, plants that are dead or dying ~~trees~~ 7894
~~infested with the carrier beetles of the dutch elm disease~~ from a 7895
pest may be removed or completely destroyed ~~by burning~~ at the cost 7896
of the landowner. 7897

Sec. 927.42. (A) The board of county commissioners, the board 7898
of township trustees, or the legislative authority of any 7899
municipal corporation may obtain the assistance of the ~~departments~~ 7900
department of agriculture ~~of Ohio~~ or ~~of~~ the United States 7901
department of agriculture upon any problem ~~which that~~ arises in 7902
connection with combating dutch elm disease and phloem necrosis. 7903

(B) In the case of a quarantined area, the board of county 7904
commissioners, the board of township trustees, or the legislative 7905
authority of a municipal corporation shall comply with a 7906
compliance agreement that is entered into in accordance with rules 7907
adopted under section 927.52 of the Revised Code. 7908

Sec. 955.011. (A) When an application is made for 7909

registration of a ~~an assistance~~ dog that is in training to become 7910
~~or serves as a guide or leader for a blind person or as a listener~~ 7911
~~for a deaf person, that is in training to provide or provides~~ 7912
~~support or assistance for a mobility impaired person, or that is~~ 7913
~~in training to become or serves as a seizure assistance, seizure~~ 7914
~~response, or seizure alert dog for a person with a seizure~~ 7915
~~disorder,~~ and the owner can show proof by certificate or other 7916
means that the dog is in training or has been trained for that 7917
purpose by a nonprofit special agency engaged in such work an 7918
assistance dog, the owner of ~~such a guide, leader, hearing,~~ 7919
~~support, seizure assistance, seizure response, or seizure alert~~ 7920
the dog shall be exempt from any fee for ~~such the~~ registration. 7921
Registration for ~~such a an assistance~~ dog in training or serving 7922
~~as a guide or leader for a blind person, as a listener for a deaf~~ 7923
~~person, as a support dog for a mobility impaired person, or as a~~ 7924
~~seizure assistance, seizure response, or seizure alert dog for a~~ 7925
~~person with a seizure disorder~~ shall be permanent and not subject 7926
to annual renewal so long as the dog is ~~in training or so serves~~ 7927
an assistance dog. Certificates and tags stamped "Ohio Service 7928
Assistance Dog-Permanent Registration," with registration number, 7929
shall be issued upon registration of such a dog. Any certificate 7930
and tag stamped "Ohio Guide Dog-Permanent Registration" or "Ohio 7931
Hearing Dog-Permanent Registration," with registration number, 7932
that was issued for a dog in accordance with this section as it 7933
existed prior to July 4, 1984, ~~and~~ any certificate and tag stamped 7934
"Ohio Handicapped Assistance Dog-Permanent Registration," with 7935
registration number, that was issued for a dog in accordance with 7936
this section as it existed on and after July 5, 1984, ~~and but~~ 7937
prior to ~~the effective date of this amendment~~ November 26, 2004, 7938
and any certificate and tag stamped "Ohio Service Dog-Permanent 7939
Registration," with registration number, that was issued for a dog 7940
in accordance with this section as it existed on and after 7941
November 26, 2004, but prior to the effective date of this 7942

amendment shall remain in effect as valid proof of the 7943
registration of the dog on and after ~~the effective date of this~~ 7944
~~amendment~~ November 26, 2004. Duplicate certificates and tags for a 7945
dog registered in accordance with this section, upon proper proof 7946
of loss, shall be issued and no fee required. Each duplicate 7947
certificate and tag that is issued shall be stamped "Ohio ~~Service~~ 7948
Assistance Dog-Permanent Registration." 7949

(B) As used in this section and in sections 955.16 and 955.43 7950
of the Revised Code: 7951

(1) "Mobility impaired person" means any person, regardless 7952
of age, who is subject to a physiological defect or deficiency 7953
regardless of its cause, nature, or extent that renders the person 7954
unable to move about without the aid of crutches, a wheelchair, or 7955
any other form of support, or that limits the person's functional 7956
ability to ambulate, climb, descend, sit, rise, or ~~to~~ perform any 7957
related function. "Mobility impaired person" includes a person 7958
with a neurological or psychological disability that limits the 7959
person's functional ability to ambulate, climb, descend, sit, 7960
rise, or perform any related function. "Mobility impaired person" 7961
also includes a person with a seizure disorder. 7962

(2) "Blind" means either of the following: 7963

(a) Vision twenty/two hundred or less in the better eye with 7964
proper correction-; 7965

(b) Field defect in the better eye with proper correction 7966
~~which~~ that contracts the peripheral field so that the diameter of 7967
the visual field subtends an angle no greater than twenty degrees. 7968

(3) "Assistance dog" means a guide dog, hearing dog, or 7969
service dog that has been trained by a nonprofit special agency. 7970

(4) "Guide dog" means a dog that has been trained or is in 7971
training to assist a blind person. 7972

(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person. 7973
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(6) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person. 7975
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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: 7977
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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. 7981
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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. 7990
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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 dog. The time for such redemption shall be not more than forty-eight hours following the end of the appropriate redemption period. 7996
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At any time after such periods of redemption, any dog not 8003
redeemed shall be donated to any nonprofit special agency that is 8004
engaged in the training of any type of assistance dogs ~~to serve as~~ 8005
~~guide or leader dogs for blind persons, hearing dogs for deaf~~ 8006
~~persons, or support dogs for mobility impaired persons~~ and that 8007
requests that the dog be donated to it. Any dog not redeemed that 8008
is not requested by such an agency may be sold, except that no dog 8009
sold to a person other than a nonprofit teaching or research 8010
institution or organization of the type described in division (B) 8011
of this section shall be discharged from the pound or animal 8012
shelter until the animal has been registered and furnished with a 8013
valid registration tag. 8014

(B) Any dog that is not redeemed within the applicable period 8015
as specified in this section or section 955.12 of the Revised Code 8016
from the time notice is mailed to its owner, keeper, or harborer 8017
or is posted at the pound or animal shelter, as required by 8018
section 955.12 of the Revised Code, and that is not required to be 8019
donated to a nonprofit special agency engaged in the training of 8020
~~guide, leader, hearing, or support~~ any type of assistance dogs 8021
may, upon payment to the dog warden or poundkeeper of the sum of 8022
three dollars, be sold to any nonprofit Ohio institution or 8023
organization that is certified by the Ohio public health council 8024
as being engaged in teaching or research concerning the prevention 8025
and treatment of diseases of human beings or animals. Any dog that 8026
is donated to a nonprofit special agency engaged in the training 8027
of ~~guide, leader, hearing, or support~~ any type of assistance dogs, 8028
in accordance with division (A) of this section and any dog that 8029
is sold to any nonprofit teaching or research institution or 8030
organization shall be discharged from the pound or animal shelter 8031
without registration and may be kept by the agency or by the 8032
institution or organization without registration so long as the 8033
dog is being trained, or is being used for teaching and research 8034

purposes. 8035

Any institution or organization certified by the Ohio public 8036
health council that obtains dogs for teaching and research 8037
purposes pursuant to this section shall, at all reasonable times, 8038
make the dogs available for inspection by agents of the Ohio 8039
humane society, appointed pursuant to section 1717.04 of the 8040
Revised Code, and agents of county humane societies, appointed 8041
pursuant to section 1717.06 of the Revised Code, in order that the 8042
agents may prevent the perpetration of any act of cruelty, as 8043
defined in section 1717.01 of the Revised Code, to the dogs. 8044

(C) Any dog that the dog warden or poundkeeper is unable to 8045
dispose of, in the manner provided by this section and section 8046
955.18 of the Revised Code, may be humanely destroyed, except that 8047
no dog shall be destroyed until twenty-four hours after it has 8048
been offered to a nonprofit teaching or research institution or 8049
organization, as provided in this section, that has made a request 8050
for dogs to the dog warden or poundkeeper. 8051

(D) An owner of a dog that is wearing a valid registration 8052
tag who presents the dog to the dog warden or poundkeeper may 8053
specify in writing that the dog shall not be offered to a 8054
nonprofit teaching or research institution or organization, as 8055
provided in this section. 8056

(E) A record of all dogs impounded, the disposition of the 8057
same, the owner's name and address, if known, and a statement of 8058
costs assessed against the dogs shall be kept by the poundkeeper, 8059
and ~~he~~ the poundkeeper shall furnish a transcript thereof to the 8060
county treasurer quarterly. 8061

A record of all dogs received and the source that supplied 8062
them shall be kept, for a period of three years from the date of 8063
acquiring the dogs, by all institutions or organizations engaged 8064
in teaching or research concerning the prevention and treatment of 8065

diseases of human beings or animals. 8066

(F) No person shall destroy any dog by the use of a high 8067
altitude decompression chamber or by any method other than a 8068
method that immediately and painlessly renders the dog initially 8069
unconscious and subsequently dead. 8070

Sec. 955.43. (A) When either a blind, deaf or hearing 8071
impaired, or mobility impaired person or a trainer of an 8072
assistance dog is accompanied by a an assistance dog that serves 8073
as or is in training to become a guide, leader, listener, or 8074
support dog for the person, and the person can show proof by 8075
certificate or other means that the dog leading the person, 8076
listening for the person, or providing support or assistance for 8077
the person has been or is being trained for that purpose by a 8078
nonprofit special agency engaged in such work, the person or the 8079
trainer, as applicable, is entitled to the full and equal 8080
accommodations, advantages, facilities, and privileges of all 8081
public conveyances, hotels, lodging places, all places of public 8082
accommodation, amusement, or resort, all institutions of 8083
education, and other places to which the general public is 8084
invited, and may take the dog into such conveyances and places, 8085
subject only to the conditions and limitations applicable to all 8086
persons not so accompanied, except that: 8087

(1) The dog shall not occupy a seat in any public conveyance. 8088

(2) The dog shall be upon a leash while using the facilities 8089
of a common carrier. 8090

(3) Any dog in training to become ~~a guide, leader, listener,~~ 8091
~~or support~~ an assistance dog shall be covered by a liability 8092
insurance policy provided by the nonprofit special agency engaged 8093
in such work protecting members of the public against personal 8094
injury or property damage caused by the dog. 8095

(B) No person shall deprive a blind, deaf or hearing 8096
impaired, or mobility impaired person or a trainer of an 8097
assistance dog who is accompanied by an assistance dog of any of 8098
the advantages, facilities, or privileges provided in division (A) 8099
of this section, nor charge the ~~blind, deaf, or mobility impaired~~ 8100
person or trainer a fee or charge for the dog. 8101

(C) As used in this section, "institutions of education" 8102
means: 8103

(1) Any state university or college as defined in section 8104
3345.32 of the Revised Code; 8105

(2) Any private college or university that holds a 8106
certificate of authorization issued by the Ohio board of regents 8107
pursuant to Chapter 1713. of the Revised Code; 8108

(3) Any elementary or secondary school operated by a board of 8109
education; 8110

(4) Any chartered or nonchartered nonpublic elementary or 8111
secondary school; 8112

(5) Any school issued a certificate of registration by the 8113
state board of career colleges and schools. 8114

Sec. 1309.102. (A) As used in this chapter, unless the 8115
context requires otherwise: 8116

(1) "Accession" means goods that are physically united with 8117
other goods in such a manner that the identity of the original 8118
goods is not lost. 8119

(2)(a) "Account," except as used in "account for," means a 8120
right to payment of a monetary obligation, whether or not earned 8121
by performance, (i) for property that has been or is to be sold, 8122
leased, licensed, assigned, or otherwise disposed of, (ii) for 8123
services rendered or to be rendered, (iii) for a policy of 8124

insurance issued or to be issued, (iv) for a secondary obligation 8125
incurred or to be incurred, (v) for energy provided or to be 8126
provided, (vi) for the use or hire of a vessel under a charter or 8127
other contract, (vii) arising out of the use of a credit or charge 8128
card or information contained on or for use with the card, or 8129
(viii) as winnings in a lottery or other game of chance operated 8130
or sponsored by a state, governmental unit of a state, or person 8131
licensed or authorized to operate the game by a state or 8132
governmental unit of a state. 8133

(b) "Account" includes health-care insurance receivables. 8134

(c) "Account" does not include (i) rights to payment 8135
evidenced by chattel paper or an instrument, (ii) commercial tort 8136
claims, (iii) deposit accounts, (iv) investment property, (v) 8137
letter-of-credit rights or letters of credit, or (vi) rights to 8138
payment for money or funds advanced or sold, other than rights 8139
arising out of the use of a credit or charge card or information 8140
contained on or for use with the card. 8141

(3) "Account debtor" means a person who is obligated on an 8142
account, chattel paper, or general intangible. "Account debtor" 8143
does not include a person who is obligated to pay a negotiable 8144
instrument, even if the instrument constitutes part of chattel 8145
paper. 8146

(4) "Accounting," except as used in "accounting for," means a 8147
record: 8148

(a) Authenticated by a secured party; 8149

(b) Indicating the aggregate unpaid secured obligations as of 8150
a date not more than thirty-five days earlier or thirty-five days 8151
later than the date of the record; and 8152

(c) Identifying the components of the obligations in 8153
reasonable detail. 8154

(5) "Agricultural lien" means an interest, other than a	8155
security interest, in farm products:	8156
(a) That secures payment or performance of an obligation for:	8157
(i) Goods or services furnished in connection with a debtor's	8158
farming operation; or	8159
(ii) Rent on real property leased by a debtor in connection	8160
with its farming operation.	8161
(b) That is created by statute in favor of a person who:	8162
(i) In the ordinary course of business, furnished goods or	8163
services to a debtor in connection with the debtor's farming	8164
operation; or	8165
(ii) Leased real property to a debtor in connection with the	8166
debtor's farming operation; and	8167
(c) Whose effectiveness does not depend on the person's	8168
possession of the personal property.	8169
(6) "As-extracted collateral" means:	8170
(a) Oil, gas, or other minerals that are subject to a	8171
security interest that:	8172
(i) Is created by a debtor having an interest in the minerals	8173
before extraction; and	8174
(ii) Attaches to the minerals as extracted; or	8175
(b) Accounts arising out of the sale at the wellhead or	8176
minehead of oil, gas, or other minerals in which the debtor had an	8177
interest before extraction.	8178
(7) "Authenticate" means:	8179
(a) To sign; or	8180
(b) To execute or otherwise adopt a symbol, or encrypt or	8181
similarly process a record in whole or in part, with the present	8182

intent of the authenticating person to identify the person and 8183
adopt or accept a record. 8184

(8) "Bank" means an organization that is engaged in the 8185
business of banking. "Bank" includes savings banks, savings and 8186
loan associations, credit unions, and trust companies. 8187

(9) "Cash proceeds" means proceeds that are money, checks, 8188
deposit accounts, or the like. 8189

(10) "Certificate of title" means a certificate of title with 8190
respect to which a statute provides for the security interest in 8191
question to be indicated on the certificate as a condition or 8192
result of the security interest's obtaining priority over the 8193
rights of a lien creditor with respect to the collateral. 8194

(11)(a) "Chattel paper" means a record that evidences both a 8195
monetary obligation and a security interest in specific goods, a 8196
security interest in specific goods and software used in the 8197
goods, a security interest in specific goods and license of 8198
software used in the goods, a lease of specific goods, or a lease 8199
of specific goods and license of software used in the goods. 8200

As used in division (A)(11)(a) of this section, "monetary 8201
obligation" means a monetary obligation secured by the goods or 8202
owed under a lease of the goods and includes a monetary obligation 8203
with respect to software used in the goods. 8204

(b) If a transaction is evidenced by records that include an 8205
instrument or series of instruments, the group of records taken 8206
together constitutes chattel paper. 8207

(c) "Chattel paper" does not include (i) charters or other 8208
contracts involving the use or hire of a vessel or (ii) records 8209
that evidence a right to payment arising out of the use of a 8210
credit or charge card or information contained on or for use with 8211
the card. 8212

(12) "Collateral" means the property subject to a security interest or agricultural lien, including:	8213
	8214
(a) Proceeds to which a security interest attaches;	8215
(b) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and	8216
	8217
(c) Goods that are the subject of a consignment.	8218
(13) "Commercial tort claim" means a claim arising in tort with respect to which:	8219
	8220
(a) The claimant is an organization; or	8221
(b) The claimant is an individual, and the claim:	8222
(i) Arose in the course of the claimant's business or profession; and	8223
	8224
(ii) Does not include damages arising out of personal injury to or the death of an individual.	8225
	8226
(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.	8227
	8228
	8229
(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:	8230
	8231
	8232
(a) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to the federal commodities laws; or	8233
	8234
	8235
(b) Traded on a foreign commodity board of trade, exchange, or market and is carried on the books of a commodity intermediary for a commodity customer.	8236
	8237
	8238
(16) "Commodity customer" means a person for whom a commodity intermediary carries a commodity contract on its books.	8239
	8240

- (17) "Commodity intermediary" means a person that: 8241
- (a) Is registered as a futures commission merchant under the 8242
federal commodities laws; or 8243
- (b) In the ordinary course of its business provides clearance 8244
or settlement services for a board of trade that has been 8245
designated as a contract market pursuant to the federal 8246
commodities laws. 8247
- (18) "Communicate" means: 8248
- (a) To send a written or other tangible record; 8249
- (b) To transmit a record by any means agreed upon by the 8250
persons sending and receiving the record; or 8251
- (c) In the case of transmission of a record to or by a filing 8252
office, to transmit a record by any means prescribed by 8253
filing-office rule. 8254
- (19) "Consignee" means a merchant to whom goods are delivered 8255
in a consignment. 8256
- (20) "Consignment" means a transaction, regardless of its 8257
form, in which a person delivers goods to a merchant for the 8258
purpose of sale and: 8259
- (a) The merchant: 8260
- (i) Deals in goods of that kind under a name other than the 8261
name of the person making delivery; 8262
- (ii) Is not an auctioneer; and 8263
- (iii) Is not generally known by its creditors to be 8264
substantially engaged in selling the goods of others; 8265
- (b) With respect to each delivery, the aggregate value of the 8266
goods is one thousand dollars or more at the time of delivery. 8267
- (c) The goods are not consumer goods immediately before 8268

delivery; and	8269
(d) The transaction does not create a security interest that secures an obligation.	8270 8271
(21) "Consignor" means a person that delivers goods to a consignee in a consignment.	8272 8273
(22) "Consumer debtor" means a debtor in a consumer transaction.	8274 8275
(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.	8276 8277
(24) "Consumer-goods transaction" means a consumer transaction in which:	8278 8279
(a) An individual incurs an obligation primarily for personal, family, or household purposes; and	8280 8281
(b) A security interest in consumer goods secures the obligation.	8282 8283
(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.	8284 8285 8286
(26) "Consumer transaction" means a transaction in which: (a) an individual incurs an obligation primarily for personal, family, or household purposes, (b) a security interest secures the obligation, and (c) the collateral is held or acquired primarily for personal, family, or household purposes. "Consumer transaction" includes consumer-goods transactions.	8287 8288 8289 8290 8291 8292
(27) "Continuation statement" means an amendment of a financing statement that:	8293 8294
(a) Identifies, by its file number, the initial financing statement to which it relates; and	8295 8296
(b) Indicates that it is a continuation statement for, or	8297

that it is filed to continue the effectiveness of, the identified	8298
financing statement.	8299
(28) "Debtor" means:	8300
(a) A person having an interest, other than a security	8301
interest or other lien, in the collateral, whether or not the	8302
person is an obligor;	8303
(b) A seller of accounts, chattel paper, payment intangibles,	8304
or promissory notes; or	8305
(c) A consignee.	8306
(29) "Deposit account" means a demand, time, savings,	8307
passbook, or similar account maintained with a bank but does not	8308
include investment property or accounts evidenced by an	8309
instrument.	8310
(30) "Document" means a document of title or a receipt of the	8311
type described in division (B) of section 1307.06 of the Revised	8312
Code.	8313
(31) "Electronic chattel paper" means chattel paper evidenced	8314
by a record consisting of information stored in an electronic	8315
medium.	8316
(32) "Encumbrance" means a right, other than an ownership	8317
interest, in real property. "Encumbrance" includes mortgages and	8318
other liens on real property.	8319
(33) "Equipment" means goods other than inventory, farm	8320
products, or consumer goods.	8321
(34) "Farm products" means goods, other than standing timber,	8322
with respect to which the debtor is engaged in a farming operation	8323
and that are:	8324
(a) Crops grown, growing, or to be grown, including:	8325
(i) Crops produced on trees, vines, and bushes; and	8326

(ii) Aquatic goods produced in aquacultural operations;	8327
(b) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;	8328 8329
(c) Supplies used or produced in a farming operation; or	8330
(d) Products of crops or livestock in their unmanufactured states.	8331 8332
(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.	8333 8334 8335
(36) "File number" means the number assigned to an initial financing statement under division (A) of section 1309.519 of the Revised Code.	8336 8337 8338
(37) "Filing office" means an office designated in section 1309.501 of the Revised Code as the place to file a financing statement.	8339 8340 8341
(38) "Filing-office rule" means a rule adopted under section 1309.526 of the Revised Code.	8342 8343
(39) "Financing statement" means a record composed of an initial financing statement and any filed record or records relating to the initial financing statement. <u>For the purposes of this chapter, financing statements filed for recording with the secretary of state shall not be required to include social security or employer identification numbers.</u>	8344 8345 8346 8347 8348 8349
(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying divisions (A) and (B) of section 1309.502 of the Revised Code. "Fixture filing" includes the filing of a financing statement covering goods of a transmitting utility that are or are to become fixtures.	8350 8351 8352 8353 8354 8355
(41) "Fixtures" means goods that have become so related to	8356

particular real property that an interest in them arises under 8357
real property law. 8358

(42) "General intangible" means any personal property, 8359
including things in action, other than accounts, chattel paper, 8360
commercial tort claims, deposit accounts, documents, goods, 8361
instruments, investment property, letter-of-credit rights, letters 8362
of credit, money, and oil, gas, or other minerals before 8363
extraction. "General intangible" includes payment intangibles and 8364
software. 8365

(43) "Good faith" means honesty in fact and the observance of 8366
reasonable commercial standards of fair dealing. 8367

(44)(a) "Goods" means all things that are movable when a 8368
security interest attaches. "Goods" includes (i) fixtures, (ii) 8369
standing timber that is to be cut and removed under a conveyance 8370
or contract for sale, (iii) the unborn young of animals, (iv) 8371
crops grown, growing, or to be grown, even if the crops are 8372
produced on trees, vines, or bushes, and (v) manufactured homes. 8373

(b) "Goods" also includes a computer program embedded in 8374
goods and any supporting information provided in connection with a 8375
transaction relating to the program if (i) the program is 8376
associated with the goods in such a manner that it customarily is 8377
considered part of the goods, or (ii) by becoming the owner of the 8378
goods, a person acquires a right to use the program in connection 8379
with the goods. 8380

(c) "Goods" does not include a computer program embedded in 8381
goods that consist solely of the medium in which the program is 8382
embedded. "Goods" does not include accounts, chattel paper, 8383
commercial tort claims, deposit accounts, documents, general 8384
intangibles, instruments, investment property, letter-of-credit 8385
rights, letters of credit, money, or oil, gas, or other minerals 8386
before extraction. 8387

(45) "Governmental unit" means a subdivision, agency, 8388
department, county, parish, municipal corporation, or other unit 8389
of the government of the United States, a state, or a foreign 8390
country. "Governmental unit" includes an organization having a 8391
separate corporate existence if the organization is eligible to 8392
issue debt on which interest is exempt from income taxation under 8393
the laws of the United States. 8394

(46) "Health-care-insurance receivable" means an interest in 8395
or claim under a policy of insurance that is a right to payment of 8396
a monetary obligation for health-care goods or services provided. 8397

(47)(a) "Instrument" means a negotiable instrument or any 8398
other writing that evidences a right to the payment of a monetary 8399
obligation, is not itself a security agreement or lease, and is of 8400
a type that in ordinary course of business is transferred by 8401
delivery with any necessary indorsement or assignment. 8402

(b) "Instrument" does not include (i) investment property, 8403
(ii) letters of credit, or (iii) writings that evidence a right to 8404
payment arising out of the use of a credit or charge card or 8405
information contained on or for use with the card. 8406

(48) "Inventory" means goods, other than farm products, that: 8407

(a) Are leased by a person as lessor; 8408

(b) Are held by a person for sale or lease or to be furnished 8409
under a contract of service; 8410

(c) Are furnished by a person under a contract of service; or 8411

(d) Consist of raw materials, work in process, or materials 8412
used or consumed in a business. 8413

(49) "Investment property" means a security, whether 8414
certificated or uncertificated, a security entitlement, a 8415
securities account, a commodity contract, or a commodity account. 8416

(50) "Jurisdiction of organization," with respect to a 8417

registered organization, means the jurisdiction under whose law 8418
the organization is organized. 8419

(51) "Letter-of-credit right" means a right to payment or 8420
performance under a letter of credit, whether or not the 8421
beneficiary has demanded or is at the time entitled to demand 8422
payment or performance. "Letter-of-credit right" does not include 8423
the right of a beneficiary to demand payment or performance under 8424
a letter of credit. 8425

(52) "Lien creditor" means: 8426

(a) A creditor who has acquired a lien on the property 8427
involved by attachment, levy or the like; 8428

(b) An assignee for benefit of creditors from the time of 8429
assignment; 8430

(c) A trustee in bankruptcy from the date of the filing of 8431
the petition; or 8432

(d) A receiver in equity from the time of appointment. 8433

(53) "Manufactured home" means a structure, transportable in 8434
one or more sections, that, in the traveling mode, is eight body 8435
feet or more in width or forty body feet or more in length, or, 8436
when erected on site, is three hundred twenty or more square feet, 8437
and that is built on a permanent chassis and designed to be used 8438
as a dwelling with or without a permanent foundation when 8439
connected to the required utilities, and includes the plumbing, 8440
heating, air conditioning, and electrical systems contained in the 8441
structure. "Manufactured home" includes any structure that meets 8442
all of the requirements of this paragraph except the size 8443
requirements and with respect to which the manufacturer 8444
voluntarily files a certification required by the United States 8445
secretary of housing and urban development and complies with the 8446
standards established under Title 42 of the United States Code. 8447

(54) "Manufactured-home transaction" means a secured	8448
transaction:	8449
(a) That creates a purchase-money security interest in a	8450
manufactured home, other than a manufactured home held as	8451
inventory; or	8452
(b) In which a manufactured home, other than a manufactured	8453
home held as inventory, is the primary collateral.	8454
(55) "Mortgage" means a consensual interest in real property,	8455
including fixtures, that secures payment or performance of an	8456
obligation.	8457
(56) "New debtor" means a person that becomes bound as debtor	8458
under division (D) of section 1309.203 of the Revised Code by a	8459
security agreement previously entered into by another person.	8460
(57)(a) "New value" means (i) money, (ii) money's worth in	8461
property, services, or new credit, or (iii) release by a	8462
transferee of an interest in property previously transferred to	8463
the transferee.	8464
(b) "New value" does not include an obligation substituted	8465
for another obligation.	8466
(58) "Noncash proceeds" means proceeds other than cash	8467
proceeds.	8468
(59)(a) "Obligor" means a person who, with respect to an	8469
obligation secured by a security interest in or an agricultural	8470
lien on the collateral, (i) owes payment or other performance of	8471
the obligation, (ii) has provided property other than the	8472
collateral to secure payment or other performance of the	8473
obligation, or (iii) is otherwise accountable in whole or in part	8474
for payment or other performance of the obligation.	8475
(b) "Obligor" does not include issuers or nominated persons	8476
under a letter of credit.	8477

(60) "Original debtor," except as used in division (C) of 8478
section 1309.310 of the Revised Code, means a person who, as 8479
debtor, entered into a security agreement to which a new debtor 8480
has become bound under division (D) of section 1309.203 of the 8481
Revised Code. 8482

(61) "Payment intangible" means a general intangible under 8483
which the account debtor's principal obligation is a monetary 8484
obligation. 8485

(62) "Person related to," with respect to an individual, 8486
means: 8487

(a) The spouse of the individual; 8488

(b) A brother, brother-in-law, sister, or sister-in-law of 8489
the individual; 8490

(c) An ancestor or lineal descendant of the individual or the 8491
individual's spouse; or 8492

(d) Any other relative, by blood or marriage, of the 8493
individual or the individual's spouse who shares the same home 8494
with the individual. 8495

(63) "Person related to," with respect to an organization, 8496
means: 8497

(a) A person directly or indirectly controlling, controlled 8498
by, or under common control with the organization; 8499

(b) An officer or director of, or a person performing similar 8500
functions with respect to, the organization; 8501

(c) An officer or director of, or a person performing similar 8502
functions with respect to, a person described in division 8503
(A)(63)(a) of this section; 8504

(d) The spouse of an individual described in division 8505
(A)(63)(a), (b), or (c) of this section; or 8506

(e) An individual who is related by blood or marriage to an individual described in division (A)(63)(a), (b), (c), or (d) of this section and shares the same home with the individual.

(64) "Proceeds," except as used in division (B) of section 1309.609 of the Revised Code, means the following property:

(a) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(b) Whatever is collected on, or distributed on account of, collateral;

(c) Rights arising out of collateral;

(d) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the collateral; or

(e) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party that includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 1309.620, 1309.621, and 1309.622 of the Revised Code.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(a) Debt securities are issued;

(b) All or a portion of the securities issued have an initial 8537
stated maturity of at least twenty years; and 8538

(c) The debtor, obligor, secured party, account debtor or 8539
other person obligated on collateral, assignor or assignee of a 8540
secured obligation, or assignor or assignee of a security interest 8541
is a state or a governmental unit of a state. 8542

(68) "Pursuant to commitment," with respect to an advance 8543
made or other value given by a secured party, means pursuant to 8544
the secured party's obligation, whether or not a subsequent event 8545
of default or other event not within the secured party's control 8546
has relieved or may relieve the secured party from its obligation. 8547

(69) "Record," except as used in "for record," "of record," 8548
"record or legal title," and "record owner," means information 8549
that is inscribed on a tangible medium or that is stored in an 8550
electronic or other medium and is retrievable in perceivable form. 8551

(70) "Registered organization" means an organization 8552
organized solely under the law of a single state or the United 8553
States and as to which the state or the United States must 8554
maintain a public record showing the organization to have been 8555
organized. 8556

(71) "Secondary obligor" means an obligor to the extent that: 8557

(a) The obligor's obligation is secondary; or 8558

(b) The obligor has a right of recourse with respect to an 8559
obligation secured by collateral against the debtor, another 8560
obligor, or property of either. 8561

(72) "Secured party" means: 8562

(a) A person in whose favor a security interest is created or 8563
provided for under a security agreement, whether or not any 8564
obligation to be secured is outstanding; 8565

(b) A person that holds an agricultural lien; 8566

(c) A consignor;	8567
(d) A person to whom accounts, chattel paper, payment intangibles, or promissory notes have been sold;	8568 8569
(e) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or	8570 8571 8572
(f) A person who holds a security interest arising under section 1302.42, 1302.49, 1302.85, 1304.20, 1305.18, or 1310.54 of the Revised Code.	8573 8574 8575
(73) "Security agreement" means an agreement that creates or provides for a security interest.	8576 8577
(74) "Send," in connection with a record or notification, means:	8578 8579
(a) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or	8580 8581 8582 8583
(b) To cause the record or notification to be received within the time that it would have been received if properly sent under division (A)(74)(a) of this section.	8584 8585 8586
(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. "Software" does not include a computer program that is included in the definition of goods.	8587 8588 8589 8590
(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.	8591 8592 8593 8594
(77) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance	8595 8596

of an account, chattel paper, a document, a general intangible, an instrument, or investment property. 8597
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(78) "Tangible chattel paper" means chattel paper evidenced by a record consisting of information that is inscribed on a tangible medium. 8599
8600
8601

(79) "Termination statement" means an amendment of a financing statement that: 8602
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(a) Identifies, by its file number, the initial financing statement to which it relates; and 8604
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(b) Indicates either that it is a termination statement or that the identified financing statement is no longer effective. 8606
8607

(80) "Transmitting utility" means a person primarily engaged in the business of: 8608
8609

(a) Operating a railroad, subway, street railway, or trolley bus; 8610
8611

(b) Transmitting communications electrically, electromagnetically, or by light; 8612
8613

(c) Transmitting goods by pipeline or sewer; or 8614

(d) Transmitting or producing and transmitting electricity, steam, gas, or water. 8615
8616

(B) Other definitions applying to this chapter are: 8617

(1) "Applicant" has the same meaning as in section 1305.01 of the Revised Code. 8618
8619

(2) "Beneficiary" has the same meaning as in section 1305.01 of the Revised Code. 8620
8621

(3) "Broker" has the same meaning as in section 1308.01 of the Revised Code. 8622
8623

(4) "Certificated security" has the same meaning as in 8624

section 1308.01 of the Revised Code.	8625
(5) "Check" has the same meaning as in section 1303.03 of the Revised Code.	8626 8627
(6) "Clearing corporation" has the same meaning as in section 1308.01 of the Revised Code.	8628 8629
(7) "Contract for sale" has the same meaning as in section 1302.01 of the Revised Code.	8630 8631
(8) "Customer" has the same meaning as in section 1304.01 of the Revised Code.	8632 8633
(9) "Entitlement holder" has the same meaning as in section 1308.01 of the Revised Code.	8634 8635
(10) "Financial asset" has the same meaning as in section 1308.01 of the Revised Code.	8636 8637
(11) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	8638 8639
(12) "Issuer," with respect to a letter of credit or letter-of-credit right, has the same meaning as in section 1305.01 of the Revised Code.	8640 8641 8642
(13) "Issuer," with respect to a security, has the same meaning as in section 1308.08 of the Revised Code.	8643 8644
(14) "Lease," "lease agreement," "lease contract," "leasehold interest," "lessee," "lessee in ordinary course of business," "lessor," and "lessor's residual interest" have the same meanings as in section 1310.01 of the Revised Code.	8645 8646 8647 8648
(15) "Letter of credit" has the same meaning as in section 1305.01 of the Revised Code.	8649 8650
(16) "Merchant" has the same meaning as in section 1302.01 of the Revised Code.	8651 8652
(17) "Negotiable instrument" has the same meaning as in	8653

section 1303.03 of the Revised Code. 8654

(18) "Nominated person" has the same meaning as in section 8655
1305.01 of the Revised Code. 8656

(19) "Note" has the same meaning as in section 1303.03 of the 8657
Revised Code. 8658

(20) "Proceeds of a letter of credit" has the same meaning as 8659
in section 1305.13 of the Revised Code. 8660

(21) "Prove" has the same meaning as in section 1303.01 of 8661
the Revised Code. 8662

(22) "Sale" has the same meaning as in division (A)(11) of 8663
section 1302.01 of the Revised Code. 8664

(23) "Securities account" has the same meaning as in section 8665
1308.51 of the Revised Code. 8666

(24) "Securities intermediary," "security," "security 8667
certificate," "security entitlement," and "uncertificated 8668
security" have the same meanings as in section 1308.01 of the 8669
Revised Code. 8670

(C) The terms and principles of construction and 8671
interpretations set forth in sections 1301.01 to 1301.14 of the 8672
Revised Code are applicable to this chapter. 8673

Sec. 1309.520. (A) A filing office shall refuse to accept a 8674
record for filing for a reason specified in division (B) of 8675
section 1309.516 of the Revised Code and may refuse to accept a 8676
record for filing only for a reason specified in that division. 8677
However, the secretary of state's office shall redact social 8678
security and employer identification numbers from filings posted 8679
on its web site. 8680

(B) If a filing office refuses to accept a record for filing, 8681
it shall communicate to the person who presented the record the 8682

fact of and reason for the refusal and the date and time the 8683
record would have been filed had the filing office accepted it. 8684
The communication must be made at the time and in the manner 8685
prescribed by the applicable filing-office rule but, in the case 8686
of a filing office described in division (A)(2) of section 8687
1309.501 of the Revised Code, in no event more than two business 8688
days after the filing office receives the record. 8689

(C) A filed financing statement that satisfies divisions (A) 8690
and (B) of section 1309.502 of the Revised Code is effective, even 8691
if the filing office is required to refuse to accept it for filing 8692
under division (A) of this section. However, section 1309.338 of 8693
the Revised Code applies to a filed financing statement that 8694
provides information described in division (B)(5) of section 8695
1309.516 of the Revised Code that is incorrect at the time the 8696
financing statement is filed. 8697

(D) If a record communicated to a filing office provides 8698
information that relates to more than one debtor, sections 8699
1309.501 to 1309.527 of the Revised Code apply as to each debtor 8700
separately. 8701

Sec. 1309.521. (A) A filing office that accepts written 8702
records may not refuse to accept a written initial financing 8703
statement in the following form and format except for a reason 8704
prescribed in division (B) of section 1309.516 of the Revised 8705
Code: 8706

UCC FINANCING STATEMENT 8707

Follow instructions (front and back) carefully. 8708

A. Name and phone of contact at filer (optional) 8709

..... 8710

B. Send acknowledgment to: (name and address) 8711

..... 8712

..... 8713

.....	The above space is for filing office use only.	8714
1. DEBTOR'S EXACT FULL LEGAL NAME		8715
(Insert only one debtor name [1a or 1b]. Do not abbreviate or combine names.)		8716 8717
1a. Organization's name		8718
or		8719
1b. Individual's last name First name		8720
Middle name Suffix		8721
1c. Mailing address		8722
City State Postal code Country		8723
1d. Tax ID Number: SSN or EIN		8724
Additional information regarding organization debtor		8725
1e d. Type of organization		8726
.....		
1f e. Jurisdiction of organization		8727
.....		
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME		8728
(Insert only one debtor name [2a or 2b]. Do not abbreviate or combine names.)		8729 8730
2a. Organization's name		8731
or		8732
2b. Individual's last name First name		8733
Middle name Suffix		8734
2c. Mailing address		8735
City State Postal code Country		8736
2d. Tax ID Number: SSN or EIN		8737
Additional information regarding organization debtor		8738
2e d. Type of organization		8739
.....		
2f e. Jurisdiction of organization		8740
.....		
3. SECURED PARTY'S NAME (or name of total assignee of assignor S/P). Insert only one secured party name (3a or 3b).		8741 8742

3a. Organization's name	8743
or	8744
3b. Individual's last name First name	8745
Middle name Suffix	8746
3c. Mailing address	8747
City State Postal code Country	8748
4. This FINANCING STATEMENT covers the following collateral:	8749
.....	8750
.....	8751
.....	8752
.....	8753
5. ALTERNATIVE DESIGNATION (if applicable):	8754
[] Lessee/lessor [] Consignee/consignor [] Bailee/bailor	8755
[] Seller/buyer [] Ag. lien [] Non-UCC filing	8756
6. [] This FINANCING STATEMENT is to be filed [for record] (or	8757
recorded) in the REAL ESTATE RECORDS. Attach addendum	8758
[if applicable].	8759
7. Check to REQUEST SEARCH REPORT(S) on debtor(s)	8760
[ADDITIONAL FEE] [optional]	8761
[] All debtors [] Debtor 1 [] Debtor 2	8762
8. OPTIONAL FILER REFERENCE DATA	8763
.....	8764
.....	8765
UCC FINANCING STATEMENT ADDENDUM	8766
Follow instructions (front and back) carefully.	8767
9. NAME OF FIRST DEBTOR (1a OR 1b) ON RELATED FINANCING STATEMENT	8768
9a. Organization's name	8769
or	8770
9b. Individual's last name First name	8771
Middle name Suffix	8772
10. MISCELLANEOUS	8773
.....	8774
.....	8775

.....	The above space is for filing office use only.	8776
11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME		8777
(Insert only one name [11a or 11b]. Do not abbreviate or combine names.)		8778
11a. Organization's name		8779
or		8780
11b. Individual's last name First name		8781
Middle name Suffix		8782
11c. Mailing address		8783
City State Postal code Country		8784
11d. Tax ID Number: SSN or EIN		8785
Additional information regarding organization debtor		8786
11e 11d. Type of organization		8787
.....		8788
11f 11e. Jurisdiction of organization		8789
.....		
12. [] ADDITIONAL SECURED PARTY'S or [] ASSIGNOR S/P'S NAME		8790
(Insert only one name [12a or 12b].)		8791
12a. Organization's name		8792
or		8793
12b. Individual's last name First name		8794
Middle name Suffix		8795
12c. Mailing address		8796
City State Postal code Country		8797
13. This FINANCING STATEMENT covers [] timber to be cut or		8798
[] as-extracted collateral, or is filed as a [] fixture filing.		8799
14. DESCRIPTION OF REAL ESTATE:		8800
.....		8801
.....		8802
.....		8803
.....		8804
15. Name and address of a RECORD OWNER of above-described real		8805
estate (if debtor does not have a record interest):		8806

.....	8807
.....	8808
.....	8809
16. Additional collateral description:	8810
.....	8811
.....	8812
.....	8813
.....	8814
17. Check only if applicable and check only one box.	8815
Debtor is a <input type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to	8816
property held in trust or <input type="checkbox"/> Decedent's estate	8817
18. Check only if applicable and check only one box.	8818
<input type="checkbox"/> Debtor is a transmitting utility	8819
<input type="checkbox"/> Filed in connection with a manufactured-home transaction -	8820
effective 30 years	8821
<input type="checkbox"/> Filed in connection with a public-finance transaction -	8822
effective 30 years	8823
(B) A filing office that accepts written records may not	8824
refuse to accept a written record in the following form and format	8825
except for a reason prescribed in division (B) of section 1309.516	8826
of the Revised Code:	8827
UCC FINANCING STATEMENT AMENDMENT	8828
Follow instructions (front and back) carefully.	8829
A. Name and phone of contact at filer (optional)	8830
.....	8831
B. Send acknowledgment to: (name and address)	8832
.....	8833
.....	8834
..... The above space is for filing office use only.	8835
1a. INITIAL FINANCING STATEMENT FILE NUMBER	8836
1b. <input type="checkbox"/> This financing statement amendment is to be filed [for	8837
record] (or recorded) in the real estate records.	8838
2. <input type="checkbox"/> TERMINATION: Effectiveness of the financing statement	8839

identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.

3. CONTINUATION: Effectiveness of the financing statement identified above with respect to security interest(s) of the secured party authorizing this continuation statement is continued for the additional period provided by applicable law. 8840

4. ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9. 8841

5. AMENDMENT (PARTY INFORMATION): This amendment affects Debtor 8842

or Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7. 8843

CHANGE name and/or address. Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c.

DELETE name. Give record name to be deleted in item 6a or 6b.

ADD name. Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION: 8848

6a. Organization's name 8849

or 8850

6b. Individual's last name First name 8851

Middle name Suffix 8852

7. CHANGED (NEW) OR ADDED INFORMATION: 8853

7a. Organization's name 8854

or 8855

7b. Individual's last name First name 8856

Middle name Suffix 8857

7c. Mailing address 8858

City State Postal code Country 8859

7d. Tax ID Number: SSN or EIN	8860
Additional information regarding organization debtor	8861
7e 7d. Type of organization	8862
.....	
7f 7e. Jurisdiction of organization	8863
.....	
8. AMENDMENT (COLLATERAL CHANGE). Check only one box.	8864
Describe collateral [] deleted or [] added, or give entire	8865
[] restated collateral description, or describe collateral	8866
[] assigned.	8867
.....	8868
.....	8869
.....	8870
.....	8871
9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT	8872
(name of assignor, if this is an assignment). If this is an	8873
amendment authorized by a debtor that adds collateral or adds	8874
the authorizing debtor, or if this is a termination authorized	8875
by a debtor, check here [] and enter name of debtor	8876
authorizing this amendment.	8877
9a. Organization's name	8878
or	8879
9b. Individual's last name First name	8880
Middle name Suffix	8881
10. OPTIONAL FILER REFERENCE DATA	8882
.....	8883
UCC FINANCING STATEMENT AMENDMENT ADDENDUM	8884
Follow instructions (front and back) carefully.	8885
11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a	8886
on amendment form)	8887
12. NAME OF PARTY AUTHORIZING	8888
THIS AMENDMENT (same as item 9	8889
on amendment form)	8890

12a. Organization's name 8891
..... 8892
or 8893
12b. Individual's last name 8894
..... 8895
First name 8896
Middle name Suffix ... The above space is for filing office use only. 8897
13. Use this space for additional information. 8898
..... 8899
..... 8900
..... 8901
..... 8902

Sec. 1317.07. No retail installment contract authorized by 8903
section 1317.03 of the Revised Code that is executed in connection 8904
with any retail installment sale shall evidence any indebtedness 8905
in excess of the time balance fixed in the written instrument in 8906
compliance with section 1317.04 of the Revised Code, but it may 8907
evidence in addition any agreements of the parties for the payment 8908
of delinquent charges, as provided for in section 1317.06 of the 8909
Revised Code, taxes, and any lawful fee actually paid out, or to 8910
be paid out, by the retail seller to any public officer for 8911
filing, recording, or releasing any instrument securing the 8912
payment of the obligation owed on any retail installment contract. 8913
No retail seller, directly or indirectly, shall charge, contract 8914
for, or receive from any retail buyer, any further or other amount 8915
for examination, service, brokerage, commission, expense, fee, or 8916
other thing of value. A documentary service charge customarily and 8917
presently being paid on May 9, 1949, in a particular business and 8918
area may be charged if the charge does not exceed ~~one~~ two hundred 8919
fifty dollars per sale. 8920

No retail seller shall use multiple agreements with respect 8921
to a single item or related items purchased at the same time, with 8922

intent to obtain a higher charge than would otherwise be permitted 8923
by Chapter 1317. of the Revised Code or to avoid disclosure of an 8924
annual percentage rate, nor by use of such agreements make any 8925
charge greater than that which would be permitted by Chapter 1317. 8926
of the Revised Code had a single agreement been used. 8927

Sec. 1321.02. No person shall engage in the business of 8928
lending money, credit, or choses in action in amounts of five 8929
thousand dollars or less, or exact, contract for, or receive, 8930
directly or indirectly, on or in connection with any such loan, 8931
any interest and charges that in the aggregate are greater than 8932
the interest and charges that the lender would be permitted to 8933
charge for a loan of money if the lender were not a licensee, 8934
without first having obtained a license from the division of 8935
financial institutions under sections 1321.01 to 1321.19 of the 8936
Revised Code. 8937

Sections 1321.01 to 1321.19 of the Revised Code do not apply 8938
to any person doing business under and as permitted by any law of 8939
this state, another state, or the United States relating to banks, 8940
savings banks, savings societies, trust companies, credit unions, 8941
savings and loan associations substantially all the business of 8942
which is confined to loans on real estate mortgages and evidences 8943
of their own indebtedness; to registrants conducting business 8944
pursuant to sections 1321.51 to 1321.60 of the Revised Code; to 8945
licensees conducting business pursuant to sections 1321.71 to 8946
1321.83 of the Revised Code; ~~or~~ to licensees doing business 8947
pursuant to sections 1315.35 to 1315.44 of the Revised Code; or to 8948
any entity who is licensed pursuant to Title XXXIX of the Revised 8949
Code, who makes advances or loans to any person who is licensed to 8950
sell insurance pursuant to that Title, and who is authorized in 8951
writing by that entity to sell insurance. No person engaged in the 8952
business of selling tangible goods or services related thereto may 8953

receive or retain a license under sections 1321.01 to 1321.19 of 8954
the Revised Code for such place of business. 8955

The first paragraph of this section applies to any person, 8956
who by any device, subterfuge, or pretense, charges, contracts 8957
for, or receives greater interest, consideration, or charges than 8958
that authorized by this section for any such loan or use of money 8959
or for any such loan, use, or sale of credit, or who for a fee or 8960
any manner of compensation arranges or offers to find or arrange 8961
for another person to make any such loan, use, or sale of credit. 8962
This section does not preclude the acquiring, directly or 8963
indirectly, by purchase or discount, of a bona fide obligation for 8964
goods or services when such obligation is payable directly to the 8965
person who provided the goods or services. 8966

Any contract of loan in the making or collection of which an 8967
act is done by the lender that violates this section is void and 8968
the lender has no right to collect, receive, or retain any 8969
principal, interest, or charges. 8970

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 8971
Revised Code: 8972

(A) "Cost to the retailer" means the invoice cost of 8973
cigarettes to the retailer, or the replacement cost of cigarettes 8974
to the retailer within thirty days prior to the date of sale, in 8975
the quantity last purchased, whichever is lower, less all trade 8976
discounts except customary discounts for cash, to which shall be 8977
added the cost of doing business by the retailer as evidenced by 8978
the standards and the methods of accounting regularly employed by 8979
the retailer in the retailer's allocation of overhead costs and 8980
expenses, paid or incurred. "Cost to the retailer" must include, 8981
without limitation, labor, including salaries of executives and 8982
officers, rent, depreciation, selling costs, maintenance of 8983
equipment, delivery costs, all types of licenses, insurance, 8984

advertising, and taxes, exclusive of county cigarette taxes paid 8985
or payable on the cigarettes. Where the sale to the retailer is on 8986
a cash and carry basis, the cartage to the retail outlet, if 8987
performed or paid for by the retailer, shall be added to the 8988
invoice cost of the cigarettes to the retailer. In the absence of 8989
proof of a lesser or higher cost by the retailer, the cartage cost 8990
shall be three-fourths of one per cent of the invoice cost of the 8991
cigarettes to the retailer, not including the amount added thereto 8992
by the wholesaler for the face value of state and county cigarette 8993
tax stamps affixed to each package of cigarettes. 8994

(B) In the absence of proof of a lesser or higher cost of 8995
doing business by the retailer making the sale, the cost of doing 8996
business to the retailer shall be eight per cent of the invoice 8997
cost of the cigarettes to the retailer exclusive of the face value 8998
of county cigarette taxes paid on the cigarettes or of the 8999
replacement cost of the cigarettes to the retailer within thirty 9000
days prior to the date of sale in the quantity last purchased 9001
exclusive of the face value of county cigarette taxes paid on the 9002
cigarettes, whichever is lower, less all trade discounts except 9003
customary discounts for cash. 9004

(C) "Cost to the wholesaler" means the invoice cost of the 9005
cigarettes to the wholesaler, or the replacement cost of the 9006
cigarettes to the wholesaler within thirty days prior to the date 9007
of sale, in the quantity last purchased, whichever is lower, less 9008
all trade discounts except customary discounts for cash, to which 9009
shall be added a wholesaler's markup to cover in part the cost of 9010
doing business, which wholesaler's markup, in the absence of proof 9011
of a lesser or higher cost of doing business by the wholesaler as 9012
evidenced by the standards and methods of accounting regularly 9013
employed by the wholesaler in the wholesaler's allocation of 9014
overhead costs and expenses, paid or incurred, including without 9015
limitation, labor, salaries of executives and officers, rent, 9016

depreciation, selling costs, maintenance of equipment, delivery, 9017
delivery costs, all types of licenses, taxes, insurance, and 9018
advertising, shall be three and five-tenths per cent of such 9019
invoice cost of the cigarettes to the wholesaler, to which shall 9020
be added the full face value of state and county cigarette tax 9021
stamps affixed by the wholesaler to each package of cigarettes, or 9022
of the replacement cost of the cigarettes to the wholesaler within 9023
thirty days prior to the date of sale in the quantity last 9024
purchased, whichever is lower, less all trade discounts except 9025
customary discounts for cash. Where the sale by the wholesaler to 9026
the retailer is on a cash and carry basis, the wholesaler may, in 9027
the absence of proof of a lesser or higher cost, allow to the 9028
retailer an amount not to exceed three-fourths of one per cent of 9029
the "cost to the wholesaler" excluding the amount added thereto 9030
for the face value of state and county cigarette tax stamps 9031
affixed to each package of cigarettes. 9032

(D) Any person licensed to sell cigarettes as both a 9033
wholesaler and a retailer, who does sell cigarettes at retail, 9034
shall, in determining "cost to the retailer", first compute "cost 9035
to the wholesaler" as provided in division (C) of this section; 9036
that "cost to the wholesaler" shall then be used in lieu of the 9037
lower of either invoice cost or replacement cost less all trade 9038
discounts except customary discounts for cash in computing "cost 9039
to the retailer" as provided in divisions (A) and (B) of this 9040
section. 9041

(E) In all advertisements, offers for sale, or sales 9042
involving two or more items at a combined price and in all 9043
advertisements, offers for sale, or sales involving the giving of 9044
any concession of any kind, whether it be coupons or otherwise, 9045
the retailer's or wholesaler's selling price shall not be below 9046
the "cost to the retailer" or the "cost to wholesaler", 9047
respectively, of all articles, products, commodities, and 9048

concessions included in such transactions. 9049

(F)(1) "Sell at retail," "sales at retail," and "retail 9050
sales" include any transfer of title to tangible personal property 9051
for a valuable consideration made, in the ordinary course of trade 9052
or usual prosecution of the seller's business, to the purchaser 9053
for consumption or use. 9054

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 9055
sales" include any such transfer of title to tangible personal 9056
property for the purpose of resale. 9057

(G) "Retailer" includes any person who is permitted to sell 9058
cigarettes at retail within this state under section 5743.15 of 9059
the Revised Code. 9060

(H) "Wholesaler" includes any person who is permitted to sell 9061
cigarettes at wholesale within this state under that section. 9062

(I) "Person" includes individuals, corporations, 9063
partnerships, associations, joint-stock companies, business 9064
trusts, unincorporated organizations, receivers, or trustees. 9065

(J) "County cigarette taxes" means the taxes levied under 9066
section 5743.021, 5743.024, or 5743.026 of the Revised Code. 9067

Sec. 1523.02. If the governor approves the plans, 9068
specifications, and estimates authorized by section 1523.01 of the 9069
Revised Code, the chief of the division of water shall thereupon 9070
proceed, as provided in sections 1523.02 to 1523.13 of the Revised 9071
Code, to construct the improvements or to make alterations in or 9072
to enlarge those already existing, in such manner and form as is 9073
shown by such plans and specifications. In order to provide the 9074
funds for such construction, alteration, or enlargement, the chief 9075
shall issue and sell bonds of the state, not in excess of the 9076
estimated cost of such improvements. The bonds shall be issued in 9077
denominations of not less than one hundred dollars payable as a 9078

whole or in series on or before fifty years from the date thereof, 9079
with interest not to exceed the rate provided in section 9.95 of 9080
the Revised Code, payable either annually or semiannually. 9081

The bonds shall show on their face the purpose for which 9082
issued and shall create no liability upon or be considered an 9083
indebtedness of the state, but both the principal and interest 9084
shall be paid solely out of the proceeds arising from the 9085
improvements constructed, altered, or enlarged by the chief, or 9086
from the proceeds of the sale or foreclosure of the lien securing 9087
the bonds on such improvement or such part thereof as is 9088
constructed from the money realized from the sale of the bonds. 9089

The form of the bonds shall be approved by the attorney 9090
general, and they shall be signed by the governor and attested by 9091
the director of natural resources and the chief. The bonds may be 9092
issued as coupon bonds, payable to bearer only, or upon demand of 9093
the owner or holder thereof as registered bonds. 9094

Such bonds shall be sold by the chief to the highest bidder 9095
therefor, but for not less than the par value thereof, with 9096
accrued interest thereon, after thirty days' notice in at least 9097
two newspapers of general circulation in the county where such 9098
improvements are to be constructed, altered, or enlarged, setting 9099
forth the nature, amount, rate of interest, and length of time the 9100
bonds have to run, with the time and place of sale. 9101

The treasurer of state shall be the treasurer of the fund 9102
realized from the sale of such bonds, and the auditor of state 9103
shall be the auditor of such fund. The proceeds of such sale shall 9104
be turned over to the treasurer of state and shall be deposited by 9105
~~him~~ the treasurer of state in a solvent bank, located either in 9106
Columbus or in the county in which such improvements are located. 9107
Such proceeds shall be kept by such bank in a fund to be known as 9108
the water conservation improvement fund. Such fund shall be used 9109
to acquire the necessary real estate and to construct such new 9110

improvements and for no other purpose, except that the treasurer 9111
of state may pay the interest on the bonds during the period of 9112
condemnation and the construction, alteration, or enlargement of 9113
such improvements out of the proceeds arising from the sale of the 9114
bonds for a term not exceeding three years from the date on which 9115
the bonds are issued. The bank shall give bond to the state in 9116
such amount as the treasurer of state considers advisable, and 9117
with surety to ~~his~~ the satisfaction of the treasurer of state, for 9118
the benefit of the holders of the bonds, and for the benefit of 9119
any contractors performing labor or furnishing material for such 9120
improvements, as provided by law, conditioned that it will safely 9121
keep the money and will make no payments or disbursements 9122
therefrom except as provided in sections 1523.01 to 1523.13 of the 9123
Revised Code. 9124

The treasurer of state shall hold such fund as trustee for 9125
the holders of the bonds and for all persons performing labor or 9126
furnishing material for the construction, alteration, or 9127
enlargement of any improvement made under such sections. Such 9128
funds shall not be turned into the state treasury, but shall be 9129
deposited and disbursed by the treasurer of state as provided in 9130
such sections. The interest coupons attached to such bonds shall 9131
bear the signature of the treasurer of state, executed by ~~him~~ the 9132
treasurer of state or printed or lithographed thereon. 9133

Both the interest and principal of such bonds shall be made 9134
payable at the office of the treasurer of state in Columbus, and 9135
shall be paid by the treasurer of state, without warrant ~~of the~~ 9136
~~auditor of state~~ or authority of the director of budget and 9137
management, to the owner or holder of such bonds upon presentation 9138
by the owner or holder of matured interest coupons or bonds. 9139

Sec. 1901.31. The clerk and deputy clerks of a municipal 9140
court shall be selected, be compensated, give bond, and have 9141

powers and duties as follows: 9142

(A) There shall be a clerk of the court who is appointed or 9143
elected as follows: 9144

(1)(a) Except in the Akron, Barberton, Cuyahoga Falls, 9145
Toledo, Hamilton county, Portage county, and Wayne county 9146
municipal courts, if the population of the territory equals or 9147
exceeds one hundred thousand at the regular municipal election 9148
immediately preceding the expiration of the term of the present 9149
clerk, the clerk shall be nominated and elected by the qualified 9150
electors of the territory in the manner that is provided for the 9151
nomination and election of judges in section 1901.07 of the 9152
Revised Code. 9153

The clerk so elected shall hold office for a term of six 9154
years, which term shall commence on the first day of January 9155
following the clerk's election and continue until the clerk's 9156
successor is elected and qualified. 9157

(b) In the Hamilton county municipal court, the clerk of 9158
courts of Hamilton county shall be the clerk of the municipal 9159
court and may appoint an assistant clerk who shall receive the 9160
compensation, payable out of the treasury of Hamilton county in 9161
semimonthly installments, that the board of county commissioners 9162
prescribes. The clerk of courts of Hamilton county, acting as the 9163
clerk of the Hamilton county municipal court and assuming the 9164
duties of that office, shall receive compensation at one-fourth 9165
the rate that is prescribed for the clerks of courts of common 9166
pleas as determined in accordance with the population of the 9167
county and the rates set forth in sections 325.08 and 325.18 of 9168
the Revised Code. This compensation shall be paid from the county 9169
treasury in semimonthly installments and is in addition to the 9170
annual compensation that is received for the performance of the 9171
duties of the clerk of courts of Hamilton county, as provided in 9172
sections 325.08 and 325.18 of the Revised Code. 9173

(c) In the Portage county and Wayne county municipal courts, 9174
the clerks of courts of Portage county and Wayne county shall be 9175
the clerks, respectively, of the Portage county and Wayne county 9176
municipal courts and may appoint a chief deputy clerk for each 9177
branch that is established pursuant to section 1901.311 of the 9178
Revised Code and assistant clerks as the judges of the municipal 9179
court determine are necessary, all of whom shall receive the 9180
compensation that the legislative authority prescribes. The clerks 9181
of courts of Portage county and Wayne county, acting as the clerks 9182
of the Portage county and Wayne county municipal courts and 9183
assuming the duties of these offices, shall receive compensation 9184
payable from the county treasury in semimonthly installments at 9185
one-fourth the rate that is prescribed for the clerks of courts of 9186
common pleas as determined in accordance with the population of 9187
the county and the rates set forth in sections 325.08 and 325.18 9188
of the Revised Code. 9189

(d) Except as otherwise provided in division (A)(1)(d) of 9190
this section, in the Akron municipal court, candidates for 9191
election to the office of clerk of the court shall be nominated by 9192
primary election. The primary election shall be held on the day 9193
specified in the charter of the city of Akron for the nomination 9194
of municipal officers. Notwithstanding any contrary provision of 9195
section 3513.05 or 3513.257 of the Revised Code, the declarations 9196
of candidacy and petitions of partisan candidates and the 9197
nominating petitions of independent candidates for the office of 9198
clerk of the Akron municipal court shall be signed by at least 9199
fifty qualified electors of the territory of the court. 9200

The candidates shall file a declaration of candidacy and 9201
petition, or a nominating petition, whichever is applicable, not 9202
later than four p.m. of the seventy-fifth day before the day of 9203
the primary election, in the form prescribed by section 3513.07 or 9204
3513.261 of the Revised Code. The declaration of candidacy and 9205

petition, or the nominating petition, shall conform to the 9206
applicable requirements of section 3513.05 or 3513.257 of the 9207
Revised Code. 9208

If no valid declaration of candidacy and petition is filed by 9209
any person for nomination as a candidate of a particular political 9210
party for election to the office of clerk of the Akron municipal 9211
court, a primary election shall not be held for the purpose of 9212
nominating a candidate of that party for election to that office. 9213
If only one person files a valid declaration of candidacy and 9214
petition for nomination as a candidate of a particular political 9215
party for election to that office, a primary election shall not be 9216
held for the purpose of nominating a candidate of that party for 9217
election to that office, and the candidate shall be issued a 9218
certificate of nomination in the manner set forth in section 9219
3513.02 of the Revised Code. 9220

Declarations of candidacy and petitions, nominating 9221
petitions, and certificates of nomination for the office of clerk 9222
of the Akron municipal court shall contain a designation of the 9223
term for which the candidate seeks election. At the following 9224
regular municipal election, all candidates for the office shall be 9225
submitted to the qualified electors of the territory of the court 9226
in the manner that is provided in section 1901.07 of the Revised 9227
Code for the election of the judges of the court. The clerk so 9228
elected shall hold office for a term of six years, which term 9229
shall commence on the first day of January following the clerk's 9230
election and continue until the clerk's successor is elected and 9231
qualified. 9232

(e) Except as otherwise provided in division (A)(1)(e) of 9233
this section, in the Barberton municipal court, candidates for 9234
election to the office of clerk of the court shall be nominated by 9235
primary election. The primary election shall be held on the day 9236
specified in the charter of the city of Barberton for the 9237

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 9366
be appointed by the court, and the clerk shall hold office until 9367
the clerk's successor is appointed and qualified. 9368

(b) In the Alliance, Lorain, Massillon, and Youngstown 9369
municipal courts, the clerk shall be elected for a term of office 9370
as described in division (A)(1)(a) of this section. 9371

(c) In the Auglaize county and Brown county municipal courts, 9372
the clerks of courts of Auglaize county and Brown county shall be 9373
the clerks, respectively, of the Auglaize county and Brown county 9374
municipal courts and may appoint a chief deputy clerk for each 9375
branch that is established pursuant to section 1901.311 of the 9376
Revised Code, and assistant clerks as the judge of the court 9377
determines are necessary, all of whom shall receive the 9378
compensation that the legislative authority prescribes. The clerks 9379
of courts of Auglaize county and Brown county, acting as the 9380
clerks of the Auglaize county and Brown county municipal courts 9381
and assuming the duties of these offices, shall receive 9382
compensation payable from the county treasury in semimonthly 9383
installments at one-fourth the rate that is prescribed for the 9384
clerks of courts of common pleas as determined in accordance with 9385
the population of the county and the rates set forth in sections 9386
325.08 and 325.18 of the Revised Code. 9387

(d) In the Columbiana county municipal court, the clerk of 9388
courts of Columbiana county shall be the clerk of the municipal 9389
court, may appoint a chief deputy clerk for each branch office 9390
that is established pursuant to section 1901.311 of the Revised 9391
Code, and may appoint any assistant clerks that the judges of the 9392
court determine are necessary. All of the chief deputy clerks and 9393
assistant clerks shall receive the compensation that the 9394
legislative authority prescribes. The clerk of courts of 9395
Columbiana county, acting as the clerk of the Columbiana county 9396
municipal court and assuming the duties of that office, shall 9397

receive in either biweekly installments or semimonthly 9398
installments, as determined by the payroll administrator, 9399
compensation payable from the county treasury ~~in semimonthly~~ 9400
~~installments~~ at one-fourth the rate that is prescribed for the 9401
clerks of courts of common pleas as determined in accordance with 9402
the population of the county and the rates set forth in sections 9403
325.08 and 325.18 of the Revised Code. 9404

(3) During the temporary absence of the clerk due to illness, 9405
vacation, or other proper cause, the court may appoint a temporary 9406
clerk, who shall be paid the same compensation, have the same 9407
authority, and perform the same duties as the clerk. 9408

(B) Except in the Hamilton county, Portage county, and Wayne 9409
county municipal courts, if a vacancy occurs in the office of the 9410
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 9411
court or occurs in the office of the clerk of a municipal court 9412
for which the population of the territory equals or exceeds one 9413
hundred thousand because the clerk ceases to hold the office 9414
before the end of the clerk's term or because a clerk-elect fails 9415
to take office, the vacancy shall be filled, until a successor is 9416
elected and qualified, by a person chosen by the residents of the 9417
territory of the court who are members of the county central 9418
committee of the political party by which the last occupant of 9419
that office or the clerk-elect was nominated. Not less than five 9420
nor more than fifteen days after a vacancy occurs, those members 9421
of that county central committee shall meet to make an appointment 9422
to fill the vacancy. At least four days before the date of the 9423
meeting, the chairperson or a secretary of the county central 9424
committee shall notify each such member of that county central 9425
committee by first class mail of the date, time, and place of the 9426
meeting and its purpose. A majority of all such members of that 9427
county central committee constitutes a quorum, and a majority of 9428
the quorum is required to make the appointment. If the office so 9429

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 9462
and paid to the city treasury or, in a county-operated municipal 9463
court, the county treasury in relation to the costs and fees under 9464
division (G) of this section. 9465

(2) In a municipal court, other than the Hamilton county, 9466
Portage county, and Wayne county municipal courts, for which the 9467
population of the territory is one hundred thousand or more, and 9468
in the Lorain municipal court, the clerk of the municipal court 9469
shall receive annual compensation in a sum equal to eighty-five 9470
per cent of the salary of a judge of the court. 9471

(3) The compensation of a clerk described in division (C)(1) 9472
or (2) of this section is payable in semimonthly installments from 9473
the same sources and in the same manner as provided in section 9474
1901.11 of the Revised Code. 9475

(D) Before entering upon the duties of the clerk's office, 9476
the clerk of a municipal court shall give bond of not less than 9477
six thousand dollars to be determined by the judges of the court, 9478
conditioned upon the faithful performance of the clerk's duties. 9479

(E) The clerk of a municipal court may do all of the 9480
following: administer oaths, take affidavits, and issue executions 9481
upon any judgment rendered in the court, including a judgment for 9482
unpaid costs; issue, sign, and attach the seal of the court to all 9483
writs, process, subpoenas, and papers issuing out of the court; 9484
and approve all bonds, sureties, recognizances, and undertakings 9485
fixed by any judge of the court or by law. The clerk may refuse to 9486
accept for filing any pleading or paper submitted for filing by a 9487
person who has been found to be a vexatious litigator under 9488
section 2323.52 of the Revised Code and who has failed to obtain 9489
leave to proceed under that section. The clerk shall do all of the 9490
following: file and safely keep all journals, records, books, and 9491
papers belonging or appertaining to the court; record the 9492

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 9557
the deposits shall be paid into the city treasury, except that, in 9558
a county-operated municipal court, the interest shall be paid into 9559
the treasury of the county in which the court is located. 9560

On the first Monday in January of each year, the clerk shall 9561
make a list of the titles of all cases in the court that were 9562
finally determined more than one year past in which there remains 9563
unclaimed in the possession of the clerk any funds, or any part of 9564
a deposit for security of costs not consumed by the costs in the 9565
case. The clerk shall give notice of the moneys to the parties who 9566
are entitled to the moneys or to their attorneys of record. All 9567
the moneys remaining unclaimed on the first day of April of each 9568
year shall be paid by the clerk to the city treasurer, except 9569
that, in a county-operated municipal court, the moneys shall be 9570
paid to the treasurer of the county in which the court is located. 9571
The treasurer shall pay any part of the moneys at any time to the 9572
person who has the right to the moneys upon proper certification 9573
of the clerk. 9574

(H) Deputy clerks may be appointed by the clerk and shall 9575
receive the compensation, payable in either biweekly installments 9576
or semimonthly installments, as determined by the payroll 9577
administrator, out of the city treasury, that the clerk may 9578
prescribe, except that the compensation of any deputy clerk of a 9579
county-operated municipal court shall be paid out of the treasury 9580
of the county in which the court is located. Each deputy clerk 9581
shall take an oath of office before entering upon the duties of 9582
the deputy clerk's office and, when so qualified, may perform the 9583
duties appertaining to the office of the clerk. The clerk may 9584
require any of the deputy clerks to give bond of not less than 9585
three thousand dollars, conditioned for the faithful performance 9586
of the deputy clerk's duties. 9587

(I) For the purposes of this section, whenever the population 9588

of the territory of a municipal court falls below one hundred 9589
thousand but not below ninety thousand, and the population of the 9590
territory prior to the most recent regular federal census exceeded 9591
one hundred thousand, the legislative authority of the municipal 9592
corporation may declare, by resolution, that the territory shall 9593
be considered to have a population of at least one hundred 9594
thousand. 9595

(J) The clerk or a deputy clerk shall be in attendance at all 9596
sessions of the municipal court, although not necessarily in the 9597
courtroom, and may administer oaths to witnesses and jurors and 9598
receive verdicts. 9599

Sec. 1901.311. A municipal court may establish one or more 9600
branch offices and may appoint a special deputy clerk to 9601
administer each branch office. Each special deputy clerk shall 9602
take an oath of office before entering upon the duties of his 9603
office, and, when so qualified, may perform any one or more of the 9604
duties appertaining to the office of clerk, as the court 9605
prescribes. Special deputy clerks appointed by the court pursuant 9606
to this section shall receive such compensation payable in either 9607
biweekly installments or semimonthly installments, as determined 9608
by the payroll administrator, out of the city treasury as the 9609
court may prescribe, except that the compensation of any special 9610
deputy clerk of a county-operated municipal court shall be payable 9611
out of the treasury of the county in which the court is located. 9612
The court may require any of the special deputy clerks to give 9613
bond of not less than three thousand dollars, conditioned for the 9614
faithful performance of his duties. 9615

Sec. 1901.32. (A) The bailiffs and deputy bailiffs of a 9616
municipal court shall be provided for, and their duties are, as 9617
follows: 9618

(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 9651
the use of the bailiffs and deputy bailiffs as the court 9652
determines they need to perform the duties of their office. All 9653
expenses, maintenance, and upkeep of the vehicles shall be paid by 9654
the legislative authority upon approval by the court. Any 9655
allowances, costs, and expenses for the operation of private motor 9656
vehicles by bailiffs and deputy bailiffs for official duties, 9657
including the cost of oil, gasoline, and maintenance, shall be 9658
prescribed by the court and, subject to the approval of the 9659
legislative authority, shall be paid from the city treasury, 9660
except that the allowances, costs, and expenses for the bailiffs 9661
and deputy bailiffs of a county-operated municipal court shall be 9662
paid from the treasury of the county in which the court is 9663
located. 9664

(5) Every police officer of any municipal corporation and 9665
police constable of a township within the territory of the court 9666
is ex officio a deputy bailiff of the court in and for the 9667
municipal corporation or township ~~within~~ in which ~~he is~~ 9668
commissioned as a police officer or police constable, and shall 9669
perform any duties in respect to cases within ~~his~~ the officer or 9670
constable's jurisdiction that are required ~~of him~~ by a judge of 9671
the court, or by the clerk or a bailiff or deputy bailiff of the 9672
court, without additional compensation. 9673

(6) The bailiff and deputy bailiffs shall perform for the 9674
court services similar to those performed by the sheriff for the 9675
court of common pleas and shall perform any other duties that are 9676
requested by rule of court. 9677

The bailiff or deputy bailiff may administer oaths to 9678
witnesses and jurors and receive verdicts in the same manner and 9679
form and to the same extent as the clerk or deputy clerks of the 9680
court. The bailiff may approve all undertakings and bonds given in 9681
actions of replevin and all redelivery bonds in attachments. 9682

(B) In the Cleveland municipal court, the chief clerks and 9683
all deputy clerks are in the classified civil service of the city 9684
of Cleveland. The clerk, the chief deputy clerks, the probation 9685
officers, one private secretary, one personal stenographer to the 9686
clerk, and one personal bailiff to each judge are in the 9687
unclassified civil service of the city of Cleveland. Upon demand 9688
of the clerk, the civil service commission of the city of 9689
Cleveland shall certify a list of those eligible for the position 9690
of deputy clerk. From the list, the clerk shall designate chief 9691
clerks and the number of deputy clerks that the legislative 9692
authority determines are necessary. 9693

Except as otherwise provided in this division, the bailiff, 9694
chief deputy bailiffs, and all deputy bailiffs of the Cleveland 9695
municipal court appointed after January 1, 1968, and the chief 9696
housing specialist, housing specialists, and housing division 9697
referees of the housing division of the Cleveland municipal court 9698
appointed under section 1901.331 of the Revised Code are in the 9699
unclassified civil service of the city of Cleveland. All deputy 9700
bailiffs of the housing division of the Cleveland municipal court 9701
appointed pursuant to that section are in the classified civil 9702
service of the city of Cleveland. Upon the demand of the judge of 9703
the housing division of the Cleveland municipal court, the civil 9704
service commission of the city of Cleveland shall certify a list 9705
of those eligible for the position of deputy bailiff of the 9706
housing division. From the list, the judge of the housing division 9707
shall designate the number of deputy bailiffs that ~~he~~ the judge 9708
determines are necessary. 9709

The chief deputy clerks, the chief clerks, and all other 9710
deputy clerks of the Cleveland municipal court shall receive the 9711
compensation that the clerk prescribes. Except as provided in 9712
division (A)(4)(a) of section 1901.331 of the Revised Code with 9713
respect to officers and employees of the housing division of the 9714

Cleveland municipal court, the bailiff, all deputy bailiffs, and 9715
assignment room personnel of the Cleveland municipal court shall 9716
receive the compensation that the court prescribes. 9717

Any appointee under sections 1901.01 to 1901.37 of the 9718
Revised Code may be dismissed or discharged by the same power that 9719
appointed ~~him~~ the appointee. In the case of the removal of any 9720
civil service appointee under those sections, an appeal may be 9721
taken from the decision of the civil service commission to the 9722
court of common pleas of Cuyahoga county to determine the 9723
sufficiency of the cause of removal. The appeal shall be taken 9724
within ten days of the finding of the commission. 9725

In the Cleveland municipal court, the presiding judge may 9726
appoint on a full-time, per diem, or contractual basis any 9727
official court reporters for the civil branch of the court that 9728
the business of the court requires. The compensation of official 9729
court reporters shall be determined by the presiding judge of the 9730
court. The compensation shall be payable from the city treasury 9731
and from the treasury of Cuyahoga county in the same proportion as 9732
designated in section 1901.11 of the Revised Code for the payment 9733
of compensation of municipal judges. In every trial in which the 9734
services of a court reporter so appointed are requested by the 9735
judge, any party, or the attorney for any party, there shall be 9736
taxed for each day's services of the court reporter a fee in the 9737
same amount as may be taxed for similar services in the court of 9738
common pleas under section 2301.21 of the Revised Code, to be 9739
collected as other costs in the case. The fees so collected shall 9740
be paid quarterly by the clerk into the city treasury and the 9741
treasury of Cuyahoga county in the same proportion as the 9742
compensation for the court reporters is paid from the city and 9743
county treasuries and shall be credited to the general funds of 9744
the city and county treasuries. 9745

(C) In the Hamilton county municipal court, all employees, 9746

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 9778
officer has successfully completed a basic firearm training 9779
program that is approved by the executive director of the Ohio 9780
peace officer training commission. A probation officer who has 9781
been granted permission to carry a firearm in the discharge of the 9782
probation officer's official duties annually shall successfully 9783
complete a firearms requalification program in accordance with 9784
section 109.801 of the Revised Code. 9785

(D) The judge or judges of a municipal court in which the 9786
clerk of the court is elected as provided in division (A)(1)(a) or 9787
(d) or (A)(2)(b) of section 1901.31 of the Revised Code may 9788
appoint an administrative assistant. The administrative assistant 9789
shall have charge of personnel related matters of the court and 9790
shall perform any other administrative duties assigned by the 9791
court. The administrative assistant shall receive the compensation 9792
out of the city treasury that the court prescribes, except that, 9793
in a county-operated municipal court, the administrative assistant 9794
shall receive the compensation out of the treasury of the county 9795
in which the court is located that the court prescribes. 9796

Sec. 2151.357. (A)(1) In the manner prescribed by division 9797
(C)(1) or (2) of section 3313.64 of the Revised Code, as 9798
applicable, the court, at the time of making any order that 9799
removes a child from the child's own home or that vests legal or 9800
permanent custody of the child in a person other than the child's 9801
parent or a government agency, shall determine the school district 9802
that is to bear the cost of educating the child. The court shall 9803
make the determination a part of the order that provides for the 9804
child's placement or commitment. That school district shall bear 9805
the cost of educating the child unless and until the court 9806
modifies its order pursuant to division (A)(2) of this section. 9807

(2) If, while the child is in the custody of a person other 9808

than the child's parent or a government agency, the department of 9809
education notifies the court that the place of residence of the 9810
child's parent has changed since the court issued its initial 9811
order, the court may modify its order to name a different school 9812
district to bear the cost of educating the child. The department 9813
may submit the notice to the court upon receipt, from the school 9814
district initially ordered to bear the cost of educating the 9815
child, of evidence acceptable to the department that the residence 9816
of the child's parent has changed since the court issued its 9817
initial order. In the notice to the court, the department shall 9818
recommend to the court whether a different district should be 9819
ordered to bear the cost of educating the child and, if so, which 9820
district should be so ordered. The department shall recommend to 9821
the court the district in which the child's parent currently 9822
resides or, if the parent's residence is not known, the district 9823
in which the parent's last known residence is located. If the 9824
department cannot determine any Ohio district in which the parent 9825
currently resides or has resided, the school district designated 9826
in the initial court order shall continue to bear the cost of 9827
educating the child. 9828

The court may consider the content of a notice by the 9829
department of education under division (A)(2) of this section as 9830
conclusive evidence as to which school district should bear the 9831
cost of educating the child and may amend its order accordingly. 9832

(B) Whenever a child is placed in a detention facility 9833
established under section 2152.41 of the Revised Code or a 9834
juvenile facility established under section 2151.65 of the Revised 9835
Code, the child's school district as determined by the court shall 9836
pay the cost of educating the child based on the per capita cost 9837
of the educational facility within the detention home or juvenile 9838
facility. 9839

(C) Whenever a child is placed by the court in a private 9840

institution, school, or residential treatment center or any other 9841
private facility, the state shall pay to the court a subsidy to 9842
help defray the expense of educating the child in an amount equal 9843
to the product of the daily per capita educational cost of the 9844
private facility, as determined pursuant to this section, and the 9845
number of days the child resides at the private facility, provided 9846
that the subsidy shall not exceed twenty-five hundred dollars per 9847
year per child. The daily per capita educational cost of a private 9848
facility shall be determined by dividing the actual program cost 9849
of the private facility or twenty-five hundred dollars, whichever 9850
is less, by three hundred sixty-five days or by three hundred 9851
sixty-six days for years that include February twenty-ninth. The 9852
state shall pay seventy-five per cent of the total subsidy for 9853
each year quarterly to the court. The state may adjust the 9854
remaining twenty-five per cent of the total subsidy to be paid to 9855
the court for each year to an amount that is less than twenty-five 9856
per cent of the total subsidy for that year based upon the 9857
availability of funds appropriated to the department of education 9858
for the purpose of subsidizing courts that place a child in a 9859
private institution, school, or residential treatment center or 9860
any other private facility and shall pay that adjusted amount to 9861
the court at the end of the year. 9862

Sec. 2305.2341. (A) The medical liability insurance 9863
reimbursement program is hereby established. Free clinics, 9864
including the clinics' staff and volunteer health care 9865
professionals and volunteer health care workers, may participate 9866
in the medical liability insurance reimbursement program 9867
established by this section. The coverage provided under the 9868
program shall be limited to claims that arise out of the 9869
diagnosis, treatment, and care of patients of free clinics, as 9870
defined in division (D)(1) of this section. 9871

(B) A free clinic is eligible to receive reimbursement under 9872

the medical liability insurance reimbursement program for the 9873
premiums that the clinic pays for medical liability insurance 9874
coverage for the clinic, its staff, and volunteer health care 9875
professionals and health care workers. Free clinics shall register 9876
with the department of health by the thirty-first day of January 9877
of each year in order to participate in and to obtain 9878
reimbursement under the program. Free clinics shall provide all of 9879
the following to the department of health at the time of 9880
registration: 9881

(1) A statement of the number of volunteer and paid health 9882
care professionals and health care workers providing health care 9883
services at the free clinic at that time; 9884

(2) A statement of the number of health care services 9885
rendered by the free clinic during the previous fiscal year; 9886

(3) A signed form acknowledging that the free clinic agrees 9887
to follow its medical liability insurer's risk management and loss 9888
prevention policies; 9889

(4) A copy of the medical liability insurance policy 9890
purchased by the free clinic, or the policy's declaration page, 9891
and documentation of the premiums paid by the clinic. 9892

(C) The department of health shall reimburse free clinics 9893
participating in the professional liability insurance 9894
reimbursement program for up to eighty per cent of the premiums 9895
that the free clinic pays for medical liability insurance coverage 9896
up to twenty thousand dollars. Appropriations to the department of 9897
health may be made from the general fund of the state for this 9898
purpose. 9899

(D) As used in this section: 9900

(1) "Free clinic" means a nonprofit organization exempt from 9901
federal income taxation under section 501(c)(3) of the "Internal 9902

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. 9933
No cases in any court of appeals shall be reported for publication 9934
except those selected by that court of appeals, or by a majority 9935
of the judges thereof. 9936

The supreme court may appoint assistants necessary to carry 9937
on the work of the reporter's office. The court shall fix the 9938
compensation of each assistant, which compensation shall be paid 9939
out of the state treasury upon the warrant of the ~~auditor of state~~ 9940
director of budget and management. 9941

Whenever a case is reported for publication, the syllabus of 9942
such case shall be prepared by the judge delivering the opinion, 9943
and approved by a majority of the members of the court. Such 9944
report may be per curiam, or if an opinion is reported, such 9945
opinion shall be written in as concise form as may be consistent 9946
with a clear presentation of the law of the case. Opinions for 9947
permanent publication in book form shall be furnished to the 9948
reporter and to no other person. All such cases shall be reported 9949
in accordance with this section before they are recognized by and 9950
receive the official sanction of any court. 9951

Sec. 2913.01. As used in this chapter, unless the context 9952
requires that a term be given a different meaning: 9953

(A) "Deception" means knowingly deceiving another or causing 9954
another to be deceived by any false or misleading representation, 9955
by withholding information, by preventing another from acquiring 9956
information, or by any other conduct, act, or omission that 9957
creates, confirms, or perpetuates a false impression in another, 9958
including a false impression as to law, value, state of mind, or 9959
other objective or subjective fact. 9960

(B) "Defraud" means to knowingly obtain, by deception, some 9961
benefit for oneself or another, or to knowingly cause, by 9962
deception, some detriment to another. 9963

- (C) "Deprive" means to do any of the following: 9964
- (1) Withhold property of another permanently, or for a period 9965
that appropriates a substantial portion of its value or use, or 9966
with purpose to restore it only upon payment of a reward or other 9967
consideration; 9968
- (2) Dispose of property so as to make it unlikely that the 9969
owner will recover it; 9970
- (3) Accept, use, or appropriate money, property, or services, 9971
with purpose not to give proper consideration in return for the 9972
money, property, or services, and without reasonable justification 9973
or excuse for not giving proper consideration. 9974
- (D) "Owner" means, unless the context requires a different 9975
meaning, any person, other than the actor, who is the owner of, 9976
who has possession or control of, or who has any license or 9977
interest in property or services, even though the ownership, 9978
possession, control, license, or interest is unlawful. 9979
- (E) "Services" include labor, personal services, professional 9980
services, public utility services including wireless service as 9981
defined in division (F)(1) of section 4931.40 of the Revised Code, 9982
common carrier services, and food, drink, transportation, 9983
entertainment, and cable television services and, for purposes of 9984
section 2913.04 of the Revised Code, include cable services as 9985
defined in that section. 9986
- (F) "Writing" means any computer software, document, letter, 9987
memorandum, note, paper, plate, data, film, or other thing having 9988
in or upon it any written, typewritten, or printed matter, and any 9989
token, stamp, seal, credit card, badge, trademark, label, or other 9990
symbol of value, right, privilege, license, or identification. 9991
- (G) "Forge" means to fabricate or create, in whole or in part 9992
and by any means, any spurious writing, or to make, execute, 9993

alter, complete, reproduce, or otherwise purport to authenticate	9994
any writing, when the writing in fact is not authenticated by that	9995
conduct.	9996
(H) "Utter" means to issue, publish, transfer, use, put or	9997
send into circulation, deliver, or display.	9998
(I) "Coin machine" means any mechanical or electronic device	9999
designed to do both of the following:	10000
(1) Receive a coin, bill, or token made for that purpose;	10001
(2) In return for the insertion or deposit of a coin, bill,	10002
or token, automatically dispense property, provide a service, or	10003
grant a license.	10004
(J) "Slug" means an object that, by virtue of its size,	10005
shape, composition, or other quality, is capable of being inserted	10006
or deposited in a coin machine as an improper substitute for a	10007
genuine coin, bill, or token made for that purpose.	10008
(K) "Theft offense" means any of the following:	10009
(1) A violation of section 2911.01, 2911.02, 2911.11,	10010
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04,	10011
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,	10012
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45,	10013
2913.47, former section 2913.47 or 2913.48, or section 2913.51,	10014
2915.05, or 2921.41 of the Revised Code;	10015
(2) A violation of an existing or former municipal ordinance	10016
or law of this or any other state, or of the United States,	10017
substantially equivalent to any section listed in division (K)(1)	10018
of this section or a violation of section 2913.41, 2913.81, or	10019
2915.06 of the Revised Code as it existed prior to July 1, 1996;	10020
(3) An offense under an existing or former municipal	10021
ordinance or law of this or any other state, or of the United	10022
States, involving robbery, burglary, breaking and entering, theft,	10023

embezzlement, wrongful conversion, forgery, counterfeiting, 10024
deceit, or fraud; 10025

(4) A conspiracy or attempt to commit, or complicity in 10026
committing, any offense under division (K)(1), (2), or (3) of this 10027
section. 10028

(L) "Computer services" includes, but is not limited to, the 10029
use of a computer system, computer network, computer program, data 10030
that is prepared for computer use, or data that is contained 10031
within a computer system or computer network. 10032

(M) "Computer" means an electronic device that performs 10033
logical, arithmetic, and memory functions by the manipulation of 10034
electronic or magnetic impulses. "Computer" includes, but is not 10035
limited to, all input, output, processing, storage, computer 10036
program, or communication facilities that are connected, or 10037
related, in a computer system or network to an electronic device 10038
of that nature. 10039

(N) "Computer system" means a computer and related devices, 10040
whether connected or unconnected, including, but not limited to, 10041
data input, output, and storage devices, data communications 10042
links, and computer programs and data that make the system capable 10043
of performing specified special purpose data processing tasks. 10044

(O) "Computer network" means a set of related and remotely 10045
connected computers and communication facilities that includes 10046
more than one computer system that has the capability to transmit 10047
among the connected computers and communication facilities through 10048
the use of computer facilities. 10049

(P) "Computer program" means an ordered set of data 10050
representing coded instructions or statements that, when executed 10051
by a computer, cause the computer to process data. 10052

(Q) "Computer software" means computer programs, procedures, 10053

and other documentation associated with the operation of a 10054
computer system. 10055

(R) "Data" means a representation of information, knowledge, 10056
facts, concepts, or instructions that are being or have been 10057
prepared in a formalized manner and that are intended for use in a 10058
computer, computer system, or computer network. For purposes of 10059
section 2913.47 of the Revised Code, "data" has the additional 10060
meaning set forth in division (A) of that section. 10061

(S) "Cable television service" means any services provided by 10062
or through the facilities of any cable television system or other 10063
similar closed circuit coaxial cable communications system, or any 10064
microwave or similar transmission service used in connection with 10065
any cable television system or other similar closed circuit 10066
coaxial cable communications system. 10067

(T) "Gain access" means to approach, instruct, communicate 10068
with, store data in, retrieve data from, or otherwise make use of 10069
any resources of a computer, computer system, or computer network, 10070
or any cable service or cable system both as defined in section 10071
2913.04 of the Revised Code. 10072

(U) "Credit card" includes, but is not limited to, a card, 10073
code, device, or other means of access to a customer's account for 10074
the purpose of obtaining money, property, labor, or services on 10075
credit, or for initiating an electronic fund transfer at a 10076
point-of-sale terminal, an automated teller machine, or a cash 10077
dispensing machine. It also includes a county procurement card 10078
issued under section 301.29 of the Revised Code. 10079

(V) "Electronic fund transfer" has the same meaning as in 92 10080
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 10081

(W) "Rented property" means personal property in which the 10082
right of possession and use of the property is for a short and 10083
possibly indeterminate term in return for consideration; the 10084

rentee generally controls the duration of possession of the 10085
property, within any applicable minimum or maximum term; and the 10086
amount of consideration generally is determined by the duration of 10087
possession of the property. 10088

(X) "Telecommunication" means the origination, emission, 10089
dissemination, transmission, or reception of data, images, 10090
signals, sounds, or other intelligence or equivalence of 10091
intelligence of any nature over any communications system by any 10092
method, including, but not limited to, a fiber optic, electronic, 10093
magnetic, optical, digital, or analog method. 10094

(Y) "Telecommunications device" means any instrument, 10095
equipment, machine, or other device that facilitates 10096
telecommunication, including, but not limited to, a computer, 10097
computer network, computer chip, computer circuit, scanner, 10098
telephone, cellular telephone, pager, personal communications 10099
device, transponder, receiver, radio, modem, or device that 10100
enables the use of a modem. 10101

(Z) "Telecommunications service" means the providing, 10102
allowing, facilitating, or generating of any form of 10103
telecommunication through the use of a telecommunications device 10104
over a telecommunications system. 10105

(AA) "Counterfeit telecommunications device" means a 10106
telecommunications device that, alone or with another 10107
telecommunications device, has been altered, constructed, 10108
manufactured, or programmed to acquire, intercept, receive, or 10109
otherwise facilitate the use of a telecommunications service or 10110
information service without the authority or consent of the 10111
provider of the telecommunications service or information service. 10112
"Counterfeit telecommunications device" includes, but is not 10113
limited to, a clone telephone, clone microchip, tumbler telephone, 10114
or tumbler microchip; a wireless scanning device capable of 10115

acquiring, intercepting, receiving, or otherwise facilitating the
use of telecommunications service or information service without
immediate detection; or a device, equipment, hardware, or software
designed for, or capable of, altering or changing the electronic
serial number in a wireless telephone.

(BB)(1) "Information service" means, subject to division
(BB)(2) of this section, the offering of a capability for
generating, acquiring, storing, transforming, processing,
retrieving, utilizing, or making available information via
telecommunications, including, but not limited to, electronic
publishing.

(2) "Information service" does not include any use of a
capability of a type described in division (BB)(1) of this section
for the management, control, or operation of a telecommunications
system or the management of a telecommunications service.

(CC) "Elderly person" means a person who is sixty-five years
of age or older.

(DD) "Disabled adult" means a person who is eighteen years of
age or older and has some impairment of body or mind that makes
the person unable to work at any substantially remunerative
employment that the person otherwise would be able to perform and
that will, with reasonable probability, continue for a period of
at least twelve months without any present indication of recovery
from the impairment, or who is eighteen years of age or older and
has been certified as permanently and totally disabled by an
agency of this state or the United States that has the function of
so classifying persons.

(EE) "Firearm" and "dangerous ordnance" have the same
meanings as in section 2923.11 of the Revised Code.

(FF) "Motor vehicle" has the same meaning as in section
4501.01 of the Revised Code.

(GG) "Dangerous drug" has the same meaning as in section 10147
4729.01 of the Revised Code. 10148

(HH) "Drug abuse offense" has the same meaning as in section 10149
2925.01 of the Revised Code. 10150

(II)(1) "Computer hacking" means any of the following: 10151

(a) Gaining access or attempting to gain access to all or 10152
part of a computer, computer system, or a computer network without 10153
express or implied authorization with the intent to defraud or 10154
with intent to commit a crime; 10155

(b) Misusing computer or network services including, but not 10156
limited to, mail transfer programs, file transfer programs, proxy 10157
servers, and web servers by performing functions not authorized by 10158
the owner of the computer, computer system, or computer network or 10159
other person authorized to give consent. As used in this division, 10160
"misuse of computer and network services" includes, but is not 10161
limited to, the unauthorized use of any of the following: 10162

(i) Mail transfer programs to send mail to persons other than 10163
the authorized users of that computer or computer network; 10164

(ii) File transfer program proxy services or proxy servers to 10165
access other computers, computer systems, or computer networks; 10166

(iii) Web servers to redirect users to other web pages or web 10167
servers. 10168

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 10169
using a group of computer programs commonly known as "port 10170
scanners" or "probes" to intentionally access any computer, 10171
computer system, or computer network without the permission of the 10172
owner of the computer, computer system, or computer network or 10173
other person authorized to give consent. The group of computer 10174
programs referred to in this division includes, but is not limited 10175
to, those computer programs that use a computer network to access 10176

a computer, computer system, or another computer network to
determine any of the following: the presence or types of computers
or computer systems on a network; the computer network's
facilities and capabilities; the availability of computer or
network services; the presence or versions of computer software
including, but not limited to, operating systems, computer
services, or computer contaminants; the presence of a known
computer software deficiency that can be used to gain unauthorized
access to a computer, computer system, or computer network; or any
other information about a computer, computer system, or computer
network not necessary for the normal and lawful operation of the
computer initiating the access.

(ii) The group of computer programs referred to in division
(II)(1)(c)(i) of this section does not include standard computer
software used for the normal operation, administration,
management, and test of a computer, computer system, or computer
network including, but not limited to, domain name services, mail
transfer services, and other operating system services, computer
programs commonly called "ping," "tcpdump," and "traceroute" and
other network monitoring and management computer software, and
computer programs commonly known as "nslookup" and "whois" and
other systems administration computer software.

(d) The intentional use of a computer, computer system, or a
computer network in a manner that exceeds any right or permission
granted by the owner of the computer, computer system, or computer
network or other person authorized to give consent.

(2) "Computer hacking" does not include the introduction of a
computer contaminant, as defined in section 2909.02 of the Revised
Code, into a computer, computer system, computer program, or
computer network.

(JJ) "Police dog or horse" ~~and "service dog"~~ have has the

same ~~meanings~~ meaning as in section 2921.321 of the Revised Code. 10208

(KK) "Anhydrous ammonia" is a compound formed by the 10209
combination of two gaseous elements, nitrogen and hydrogen, in the 10210
manner described in this division. Anhydrous ammonia is one part 10211
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 10212
weight is fourteen parts nitrogen to three parts hydrogen, which 10213
is approximately eighty-two per cent nitrogen to eighteen per cent 10214
hydrogen. 10215

(LL) "Assistance dog" has the same meaning as in section 10216
955.011 of the Revised Code. 10217

Sec. 2913.02. (A) No person, with purpose to deprive the 10218
owner of property or services, shall knowingly obtain or exert 10219
control over either the property or services in any of the 10220
following ways: 10221

(1) Without the consent of the owner or person authorized to 10222
give consent; 10223

(2) Beyond the scope of the express or implied consent of the 10224
owner or person authorized to give consent; 10225

(3) By deception; 10226

(4) By threat; 10227

(5) By intimidation. 10228

(B)(1) Whoever violates this section is guilty of theft. 10229

(2) Except as otherwise provided in this division or division 10230
(B)(3), (4), (5), (6), (7), or (8) of this section, a violation of 10231
this section is petty theft, a misdemeanor of the first degree. If 10232
the value of the property or services stolen is five hundred 10233
dollars or more and is less than five thousand dollars or if the 10234
property stolen is any of the property listed in section 2913.71 10235
of the Revised Code, a violation of this section is theft, a 10236

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.

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(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.

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(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. 10269
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(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. 10276
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(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. 10279
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(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. 10283
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(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a felony of the third degree. 10289
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(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: 10292
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(a) Unless division (B)(9)(b) of this section applies, 10299

suspend for not more than six months the offender's driver's 10300
license, probationary driver's license, commercial driver's 10301
license, temporary instruction permit, or nonresident operating 10302
privilege; 10303

(b) If the offender's driver's license, probationary driver's 10304
license, commercial driver's license, temporary instruction 10305
permit, or nonresident operating privilege has previously been 10306
suspended pursuant to division (B)(9)(a) of this section, impose a 10307
class seven suspension of the offender's license, permit, or 10308
privilege from the range specified in division (A)(7) of section 10309
4510.02 of the Revised Code, provided that the suspension shall be 10310
for at least six months. 10311

(C) The sentencing court that suspends an offender's license, 10312
permit, or nonresident operating privilege under division (B)(9) 10313
of this section may grant the offender limited driving privileges 10314
during the period of the suspension in accordance with Chapter 10315
4510. of the Revised Code. 10316

Sec. 2921.321. (A) No person shall knowingly cause, or 10317
attempt to cause, physical harm to a police dog or horse in either 10318
of the following circumstances: 10319

(1) The police dog or horse is assisting a law enforcement 10320
officer in the performance of the officer's official duties at the 10321
time the physical harm is caused or attempted. 10322

(2) The police dog or horse is not assisting a law 10323
enforcement officer in the performance of the officer's official 10324
duties at the time the physical harm is caused or attempted, but 10325
the offender has actual knowledge that the dog or horse is a 10326
police dog or horse. 10327

(B) No person shall recklessly do any of the following: 10328

(1) Taunt, torment, or strike a police dog or horse; 10329

(2) Throw an object or substance at a police dog or horse;	10330
(3) Interfere with or obstruct a police dog or horse, or	10331
interfere with or obstruct a law enforcement officer who is being	10332
assisted by a police dog or horse, in a manner that does any of	10333
the following:	10334
(a) Inhibits or restricts the law enforcement officer's	10335
control of the police dog or horse;	10336
(b) Deprives the law enforcement officer of control of the	10337
police dog or horse;	10338
(c) Releases the police dog or horse from its area of	10339
control;	10340
(d) Enters the area of control of the police dog or horse	10341
without the consent of the law enforcement officer, including	10342
placing food or any other object or substance into that area;	10343
(e) Inhibits or restricts the ability of the police dog or	10344
horse to assist a law enforcement officer.	10345
(4) Engage in any conduct that is likely to cause serious	10346
physical injury or death to a police dog or horse;	10347
(5) If the person is the owner, keeper, or harbinger of a dog,	10348
fail to reasonably restrain the dog from taunting, tormenting,	10349
chasing, approaching in a menacing fashion or apparent attitude of	10350
attack, or attempting to bite or otherwise endanger a police dog	10351
or horse that at the time of the conduct is assisting a law	10352
enforcement officer in the performance of the officer's duties or	10353
that the person knows is a police dog or horse.	10354
(C) No person shall knowingly cause, or attempt to cause,	10355
physical harm to a service <u>an assistance</u> dog in either of the	10356
following circumstances:	10357
(1) The service dog is assisting or serving a blind, deaf <u>or</u>	10358
<u>hearing impaired</u> , or mobility impaired person or person with a	10359

~~seizure disorder~~ at the time the physical harm is caused or 10360
attempted. 10361

(2) The ~~service~~ dog is not assisting or serving a blind, deaf 10362
or hearing impaired, or mobility impaired person ~~or person with a~~ 10363
~~seizure disorder~~ at the time the physical harm is caused or 10364
attempted, but the offender has actual knowledge that the dog is a 10365
service an assistance dog. 10366

(D) No person shall recklessly do any of the following: 10367

(1) Taunt, torment, or strike a ~~service~~ an assistance dog; 10368

(2) Throw an object or substance at a ~~service~~ an assistance 10369
dog; 10370

(3) Interfere with or obstruct a ~~service~~ an assistance dog, 10371
or interfere with or obstruct a blind, deaf or hearing impaired, 10372
or mobility impaired person ~~or person with a seizure disorder~~ who 10373
is being assisted or served by a ~~service~~ an assistance dog, in a 10374
manner that does any of the following: 10375

(a) Inhibits or restricts the assisted or served person's 10376
control of the ~~service~~ dog; 10377

(b) Deprives the assisted or served person of control of the 10378
~~service~~ dog; 10379

(c) Releases the ~~service~~ dog from its area of control; 10380

(d) Enters the area of control of the ~~service~~ dog without the 10381
consent of the assisted or served person, including placing food 10382
or any other object or substance into that area; 10383

(e) Inhibits or restricts the ability of the ~~service~~ dog to 10384
assist the assisted or served person. 10385

(4) Engage in any conduct that is likely to cause serious 10386
physical injury or death to a ~~service~~ an assistance dog; 10387

(5) If the person is the owner, keeper, or harbinger of a dog, 10388

fail to reasonably restrain the dog from taunting, tormenting, 10389
chasing, approaching in a menacing fashion or apparent attitude of 10390
attack, or attempting to bite or otherwise endanger ~~a service~~ an 10391
assistance dog that at the time of the conduct is assisting or 10392
serving a blind, deaf or hearing impaired, or mobility impaired 10393
person ~~or person with a seizure disorder~~ or that the person knows 10394
is ~~a service~~ an assistance dog. 10395

(E)(1) Whoever violates division (A) of this section is 10396
guilty of assaulting a police dog or horse. Except as otherwise 10397
provided in this division, assaulting a police dog or horse is a 10398
misdemeanor of the second degree. If the violation results in the 10399
death of the police dog or horse, assaulting a police dog or horse 10400
is a felony of the third degree. If the violation results in 10401
serious physical harm to the police dog or horse other than its 10402
death, assaulting a police dog or horse is a felony of the fourth 10403
degree. If the violation results in physical harm to the police 10404
dog or horse other than death or serious physical harm, assaulting 10405
a police dog or horse is a misdemeanor of the first degree. 10406

(2) Whoever violates division (B) of this section is guilty 10407
of harassing a police dog or horse. Except as otherwise provided 10408
in this division, harassing a police dog or horse is a misdemeanor 10409
of the second degree. If the violation results in the death of the 10410
police dog or horse, harassing a police dog or horse is a felony 10411
of the third degree. If the violation results in serious physical 10412
harm to the police dog or horse, but does not result in its death, 10413
harassing a police dog or horse, is a felony of the fourth degree. 10414
If the violation results in physical harm to the police dog or 10415
horse, but does not result in its death or in serious physical 10416
harm to it, harassing a police dog or horse is a misdemeanor of 10417
the first degree. 10418

(3) Whoever violates division (C) of this section is guilty 10419
of assaulting ~~a service~~ an assistance dog. Except as otherwise 10420

provided in this division, assaulting a ~~service~~ an assistance dog 10421
is a misdemeanor of the second degree. If the violation results in 10422
the death of the ~~service~~ assistance dog, assaulting a ~~service~~ an 10423
assistance dog is a felony of the third degree. If the violation 10424
results in serious physical harm to the ~~service~~ assistance dog 10425
other than its death, assaulting a ~~service~~ an assistance dog is a 10426
felony of the fourth degree. If the violation results in physical 10427
harm to the ~~service~~ assistance dog other than death or serious 10428
physical harm, assaulting a ~~service~~ an assistance dog is a 10429
misdemeanor of the first degree. 10430

(4) Whoever violates division (D) of this section is guilty 10431
of harassing a ~~service~~ an assistance dog. Except as otherwise 10432
provided in this division, harassing a ~~service~~ an assistance dog 10433
is a misdemeanor of the second degree. If the violation results in 10434
the death of the ~~service~~ assistance dog, harassing a ~~service~~ an 10435
assistance dog is a felony of the third degree. If the violation 10436
results in serious physical harm to the ~~service~~ assistance dog, 10437
but does not result in its death, harassing a ~~service~~ an 10438
assistance dog is a felony of the fourth degree. If the violation 10439
results in physical harm to the ~~service~~ assistance dog, but does 10440
not result in its death or in serious physical harm to it, 10441
harassing a ~~service~~ an assistance dog is a misdemeanor of the 10442
first degree. 10443

(5) In addition to any other sanction or penalty imposed for 10444
the offense under this section, Chapter 2929., or any other 10445
provision of the Revised Code, whoever violates division (A), (B), 10446
(C), or (D) of this section is responsible for the payment of all 10447
of the following: 10448

(a) Any veterinary bill or bill for medication incurred as a 10449
result of the violation by the police department regarding a 10450
violation of division (A) or (B) of this section or by the blind, 10451
deaf or hearing impaired, or mobility impaired person ~~or person~~ 10452

~~with a seizure disorder~~ assisted or served by the ~~service~~ assistance dog regarding a violation of division (C) or (D) of this section; 10453
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(b) The cost of any damaged equipment that results from the violation; 10456
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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; 10458
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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. 10468
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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. 10481
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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 10513
respect to that property prior to its disposition in accordance 10514
with division (A)(4) or (B) of this section: 10515

(1) Place the property under seal; 10516

(2) Remove the property to a place that the head of that 10517
agency designates; 10518

(3) Request the issuance of a court order that requires any 10519
other appropriate municipal corporation, county, township, park 10520
district created pursuant to section 511.18 or 1545.01 of the 10521
Revised Code, or state law enforcement officer or other officer to 10522
take custody of the property and, if practicable, remove it to an 10523
appropriate location for eventual disposition in accordance with 10524
division (B) of this section; 10525

(4)(a) Seek forfeiture of the property pursuant to federal 10526
law. If the head of that agency seeks its forfeiture pursuant to 10527
federal law, the law enforcement agency shall deposit, use, and 10528
account for proceeds from a sale of the property upon its 10529
forfeiture, proceeds from another disposition of the property upon 10530
its forfeiture, or forfeited moneys it receives, in accordance 10531
with the applicable federal law and otherwise shall comply with 10532
that law. 10533

(b) If the state highway patrol seized the property and if 10534
the superintendent of the state highway patrol seeks its 10535
forfeiture pursuant to federal law, the appropriate governmental 10536
officials shall deposit ~~into the highway patrol federal~~ 10537
~~contraband, forfeiture, and other fund~~ all interest or other 10538
earnings derived from the investment of the proceeds from a sale 10539
of the property upon its forfeiture, the proceeds from another 10540
disposition of the property upon its forfeiture, or the forfeited 10541
moneys into the highway patrol justice contraband fund or the 10542
highway patrol treasury contraband fund, as applicable. The state 10543

highway patrol shall use and account for that interest or other 10544
earnings in accordance with the applicable federal law. 10545

(c) Division (B) of this section and divisions (D)(1) to (3) 10546
of section 2933.43 of the Revised Code do not apply to proceeds or 10547
forfeited moneys received pursuant to federal law or to the 10548
interest or other earnings that are derived from the investment of 10549
proceeds or forfeited moneys received pursuant to federal law and 10550
that are described in division (A)(4)(b) of this section. 10551

(B) In addition to complying with any requirements imposed by 10552
a court pursuant to section 2923.44 or 2923.45 of the Revised 10553
Code, and the requirements imposed by those sections, in relation 10554
to the disposition of property forfeited to the state under either 10555
of those sections, the prosecuting attorney who is responsible for 10556
its disposition shall dispose of the property as follows: 10557

(1) Any vehicle that was used in a violation of section 10558
2923.42 of the Revised Code or in an act of a juvenile that is a 10559
violation of section 2923.42 of the Revised Code shall be given to 10560
the law enforcement agency of the municipal corporation or county 10561
in which the offense or act occurred if that agency desires to 10562
have the vehicle, except that, if the offense or act occurred in a 10563
township or in a park district created pursuant to section 511.18 10564
or 1545.01 of the Revised Code and a law enforcement officer 10565
employed by the township or the park district was involved in the 10566
seizure of the vehicle, the vehicle may be given to the law 10567
enforcement agency of that township or park district if that 10568
agency desires to have the vehicle, and except that, if the state 10569
highway patrol made the seizure of the vehicle, the vehicle may be 10570
given to the state highway patrol if it desires to have the 10571
vehicle. 10572

(2) Drugs shall be disposed of pursuant to section 3719.11 of 10573
the Revised Code or placed in the custody of the secretary of the 10574
treasury of the United States for disposal or use for medical or 10575

scientific purposes under applicable federal law. 10576

(3) Firearms and dangerous ordnance suitable for police work 10577
may be given to a law enforcement agency for that purpose. 10578
Firearms suitable for sporting use, or as museum pieces or 10579
collectors' items, may be disposed of by sale pursuant to division 10580
(B)(7) of this section. Other firearms and dangerous ordnance 10581
shall be destroyed by a law enforcement agency or shall be sent to 10582
the bureau of criminal identification and investigation for 10583
destruction by it. 10584

(4) Computers, computer networks, computer systems, and 10585
computer software suitable for police work may be given to a law 10586
enforcement agency for that purpose. Other computers, computer 10587
networks, computer systems, and computer software shall be 10588
disposed of by sale pursuant to division (B)(7) of this section or 10589
disposed of in another manner that the court that issued the order 10590
of forfeiture considers proper under the circumstances. 10591

(5) Obscene materials shall be destroyed. 10592

(6) Beer, intoxicating liquor, and alcohol shall be disposed 10593
of in accordance with division (D)(4) of section 2933.41 of the 10594
Revised Code. 10595

(7) In the case of property not described in divisions (B)(1) 10596
to (6) of this section and of property described in those 10597
divisions but not disposed of pursuant to them, the property shall 10598
be sold in accordance with division (B)(7) of this section or, in 10599
the case of forfeited moneys, disposed of in accordance with 10600
division (B)(7) of this section. If the property is to be sold, 10601
the prosecuting attorney shall cause a notice of the proposed sale 10602
of the property to be given in accordance with law, and the 10603
property shall be sold, without appraisal, at a public auction to 10604
the highest bidder for cash. The proceeds of a sale and forfeited 10605
moneys shall be applied in the following order: 10606

(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. 10639

(ii) If the forfeiture was ordered in a juvenile court, 10640
ninety per cent, and if the forfeiture was ordered in a court 10641
other than a juvenile court, one hundred per cent to appropriate 10642
funds in accordance with divisions (D)(1)(c) and (2) of section 10643
2933.43 of the Revised Code. The remaining proceeds or forfeited 10644
moneys so deposited shall be used only for the purposes authorized 10645
by those divisions and division (D)(3)(a)(ii) of that section. 10646

(C)(1) Sections 2923.44 to 2923.47 of the Revised Code do not 10647
preclude a financial institution that possessed a valid mortgage, 10648
security interest, or lien that is not satisfied prior to a sale 10649
under division (B)(7) of this section or following a sale by 10650
application of division (B)(7)(b) of this section, from commencing 10651
a civil action in any appropriate court in this or another state 10652
to obtain a deficiency judgment against the debtor if the 10653
financial institution otherwise would have been entitled to do so 10654
in this or another state. 10655

(2) Any law enforcement agency that obtains any vehicle 10656
pursuant to division (B)(1) of this section shall take the vehicle 10657
subject to the outstanding amount of any security interest or lien 10658
that attaches to the vehicle. 10659

(3) Nothing in this section impairs a mortgage, security 10660
interest, lien, or other interest of a financial institution in 10661
property that was the subject of a forfeiture order under section 10662
2923.44 or 2923.45 of the Revised Code and that was sold or 10663
otherwise disposed of in a manner that does not conform to the 10664
requirements of division (B) of this section, or any right of a 10665
financial institution of that nature to commence a civil action in 10666
any appropriate court in this or another state to obtain a 10667
deficiency judgment against the debtor. 10668

(4) Following the sale under division (B)(7) of this section 10669

of any property that is required to be titled or registered under 10670
the law of this state, the prosecuting attorney responsible for 10671
the disposition of the property shall cause the state to issue an 10672
appropriate certificate of title or registration to the purchaser 10673
of the property. If, in a disposition of property pursuant to 10674
division (B) of this section, the state or a political subdivision 10675
is given any property that is required to be titled or registered 10676
under the law of this state, the prosecuting attorney responsible 10677
for the disposition of the property shall cause the state to issue 10678
an appropriate certificate of title or registration to itself or 10679
to the political subdivision. 10680

(D) Property that has been forfeited to the state pursuant to 10681
an order of criminal forfeiture under section 2923.44 of the 10682
Revised Code or an order of civil forfeiture under section 2923.45 10683
of the Revised Code shall not be available for use to pay any fine 10684
imposed upon a person who is convicted of or pleads guilty to a 10685
violation of section 2923.42 of the Revised Code or upon a 10686
juvenile who is found by a juvenile court to be a delinquent child 10687
for an act that is a violation of section 2923.42 of the Revised 10688
Code. 10689

(E) Sections 2923.44 to 2923.47 of the Revised Code do not 10690
prohibit a law enforcement officer from seeking the forfeiture of 10691
contraband associated with a violation of section 2923.42 of the 10692
Revised Code pursuant to section 2933.43 of the Revised Code. 10693

Sec. 2925.44. (A) If property is seized pursuant to section 10694
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 10695
custody of the head of the law enforcement agency that seized it, 10696
and the head of that agency may do any of the following with 10697
respect to that property prior to its disposition in accordance 10698
with division (A)(4) or (B) of this section: 10699

(1) Place the property under seal; 10700

(2) Remove the property to a place that the head of that agency designates;

(3) Request the issuance of a court order that requires any other appropriate municipal corporation, county, township, park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or state law enforcement officer or other officer to take custody of the property and, if practicable, remove it to an appropriate location for eventual disposition in accordance with division (B) of this section;

(4)(a) Seek forfeiture of the property pursuant to federal law. If the head of that agency seeks its forfeiture pursuant to federal law, the law enforcement agency shall deposit, use, and account for proceeds from a sale of the property upon its forfeiture, proceeds from another disposition of the property upon its forfeiture, or forfeited moneys it receives, in accordance with the applicable federal law and otherwise shall comply with that law.

(b) If the state highway patrol seized the property and if the superintendent of the state highway patrol seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit ~~into the highway patrol federal contraband, forfeiture, and other 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 into the highway patrol justice contraband fund or the highway patrol treasury contraband fund, as applicable. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) If the investigative unit of the department of public safety seized the property and if the director of public safety

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. 10795

(3) Drugs shall be disposed of pursuant to section 3719.11 of 10796
the Revised Code or placed in the custody of the secretary of the 10797
treasury of the United States for disposal or use for medical or 10798
scientific purposes under applicable federal law. 10799

(4) Firearms and dangerous ordnance suitable for police work 10800
may be given to a law enforcement agency for that purpose. 10801
Firearms suitable for sporting use, or as museum pieces or 10802
collectors' items, may be disposed of by sale pursuant to division 10803
(B)(8) of this section. Other firearms and dangerous ordnance 10804
shall be destroyed by a law enforcement agency or shall be sent to 10805
the bureau of criminal identification and investigation for 10806
destruction by it. As used in this division, "firearms" and 10807
"dangerous ordnance" have the same meanings as in section 2923.11 10808
of the Revised Code. 10809

(5) Computers, computer networks, computer systems, and 10810
computer software suitable for police work may be given to a law 10811
enforcement agency for that purpose. Other computers, computer 10812
networks, computer systems, and computer software shall be 10813
disposed of by sale pursuant to division (B)(8) of this section or 10814
disposed of in another manner that the court that issued the order 10815
of forfeiture considers proper under the circumstances. As used in 10816
this division, "computers," "computer networks," "computer 10817
systems," and "computer software" have the same meanings as in 10818
section 2913.01 of the Revised Code. 10819

(6) Obscene materials shall be destroyed. 10820

(7) Beer, intoxicating liquor, and alcohol shall be disposed 10821
of in accordance with division (D)(4) of section 2933.41 of the 10822
Revised Code. 10823

(8) In the case of property not described in divisions (B)(1) 10824
to (7) of this section and of property described in those 10825

divisions but not disposed of pursuant to them, the property shall 10826
be sold in accordance with division (B)(8) of this section or, in 10827
the case of forfeited moneys, disposed of in accordance with 10828
division (B)(8) of this section. If the property is to be sold, 10829
the prosecuting attorney shall cause a notice of the proposed sale 10830
of the property to be given in accordance with law, and the 10831
property shall be sold, without appraisal, at a public auction to 10832
the highest bidder for cash. The proceeds of a sale and forfeited 10833
moneys shall be applied in the following order: 10834

(a) First, to the payment of the costs incurred in connection 10835
with the seizure of, storage of, maintenance of, and provision of 10836
security for the property, the forfeiture proceeding or civil 10837
action, and, if any, the sale; 10838

(b) Second, the remaining proceeds or forfeited moneys after 10839
compliance with division (B)(8)(a) of this section, to the payment 10840
of the value of any legal right, title, or interest in the 10841
property that is possessed by a person who, pursuant to division 10842
(F) of section 2925.42 of the Revised Code or division (E) of 10843
section 2925.43 of the Revised Code, established the validity of 10844
and consequently preserved that legal right, title, or interest, 10845
including, but not limited to, any mortgage, perfected or other 10846
security interest, or other lien in the property. The value of 10847
these rights, titles, or interests shall be paid according to 10848
their record or other order of priority. 10849

(c) Third, the remaining proceeds or forfeited moneys after 10850
compliance with divisions (B)(8)(a) and (b) of this section, as 10851
follows: 10852

(i) If the forfeiture was ordered in a juvenile court, ten 10853
per cent to one or more alcohol and drug addiction treatment 10854
programs that are certified by the department of alcohol and drug 10855
addiction services under section 3793.06 of the Revised Code and 10856

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 10983
if, at the end of that seventy-two-hour period, the owner of the 10984
vehicle has not been charged with an offense or administrative 10985
violation that includes the use of the vehicle as an element and 10986
has not been charged with any other offense or administrative 10987
violation in the actual commission of which the motor vehicle was 10988
used, the vehicle and its contents shall be released to its owner 10989
or the owner's agent, provided that the law enforcement agency 10990
that seized the vehicle may require proof of ownership of the 10991
vehicle, proof of ownership or legal possession of the contents, 10992
and an affidavit of the owner that the owner neither knew of nor 10993
expressly or impliedly consented to the use of the vehicle that 10994
resulted in its forfeiture as conditions precedent to release. If 10995
a petition for the extension of the initial seventy-two-hour 10996
period has been filed, prior to the expiration of that period, 10997
under this division but the court does not grant the petition, if 10998
the vehicle was not in the custody and control of the owner at the 10999
time of its seizure, and if, at the end of that seventy-two-hour 11000
period, the owner of the vehicle has not been charged with an 11001
offense or administrative violation that includes the use of the 11002
vehicle as an element and has not been charged with any other 11003
offense or administrative violation in the actual commission of 11004
which the motor vehicle was used, the vehicle and its contents 11005
shall be released to its owner or the owner's agent, provided that 11006
the court may require the proof and affidavit described in the 11007
preceding sentence as conditions precedent to release. If the 11008
initial seventy-two-hour period has been extended under this 11009
division, the vehicle and its contents to which the extension 11010
applies may be retained in accordance with the extension order. 11011
If, at the end of that extended period, the owner of the vehicle 11012
has not been charged with an offense or administrative violation 11013
that includes the use of the vehicle as an element and has not 11014
been charged with any other offense or administrative violation in 11015

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 11049
division (A)(1) of this section shall be determined in accordance 11050
with division (C) of this section. 11051

(2) Pending a hearing pursuant to division (C) of this 11052
section, and subject to divisions (B)(1) and (C) of this section, 11053
any property lawfully seized pursuant to division (A) of this 11054
section because it was contraband of a type described in division 11055
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 11056
2901.01 of the Revised Code shall not be subject to replevin or 11057
other action in any court and shall not be subject to release upon 11058
request of the owner, and no judgment shall be enforced against 11059
the property. Pending the hearing, and subject to divisions (B)(1) 11060
and (C) of this section, the property shall be kept in the custody 11061
of the law enforcement agency responsible for its seizure. 11062

Pending a hearing pursuant to division (C) of this section, 11063
and notwithstanding any provisions of division (B)(1) or (C) of 11064
this section to the contrary, any property lawfully seized 11065
pursuant to division (A) of this section because it was contraband 11066
of a type described in division (A)(13)(a) or (c) of section 11067
2901.01 of the Revised Code shall not be subject to replevin or 11068
other action in any court and shall not be subject to release upon 11069
request of the owner, and no judgment shall be enforced against 11070
the property. Pending the hearing, and notwithstanding any 11071
provisions of division (B)(1) or (C) of this section to the 11072
contrary, the property shall be kept in the custody of the law 11073
enforcement agency responsible for its seizure. 11074

A law enforcement agency that seizes property under division 11075
(A) of this section because it was contraband of any type 11076
described in division (A)(13) of section 2901.01 or division (B) 11077
of section 2933.42 of the Revised Code shall maintain an accurate 11078
record of each item of property so seized, which record shall 11079
include the date on which each item was seized, the manner and 11080

date of its disposition, and if applicable, the name of the person 11081
who received the item; however, the record shall not identify or 11082
enable the identification of the individual officer who seized the 11083
item. The record of property of that nature that no longer is 11084
needed as evidence shall be open to public inspection during the 11085
agency's regular business hours. Each law enforcement agency that, 11086
during any calendar year, seizes property under division (A) of 11087
this section because it was contraband shall prepare a report 11088
covering the calendar year that cumulates all of the information 11089
contained in all of the records kept by the agency pursuant to 11090
this division for that calendar year, and shall send a copy of the 11091
cumulative report, no later than the first day of March in the 11092
calendar year following the calendar year covered by the report, 11093
to the attorney general. Each report received by the attorney 11094
general is a public record open for inspection under section 11095
149.43 of the Revised Code. Not later than the fifteenth day of 11096
April in the calendar year in which the reports are received, the 11097
attorney general shall send to the president of the senate and the 11098
speaker of the house of representatives a written notification 11099
that does all of the following: 11100

(a) Indicates that the attorney general has received from law 11101
enforcement agencies reports of the type described in this 11102
division that cover the previous calendar year and indicates that 11103
the reports were received under this division; 11104

(b) Indicates that the reports are open for inspection under 11105
section 149.43 of the Revised Code; 11106

(c) Indicates that the attorney general will provide a copy 11107
of any or all of the reports to the president of the senate or the 11108
speaker of the house of representatives upon request. 11109

(C) The prosecuting attorney, village solicitor, city 11110
director of law, or similar chief legal officer who has 11111

responsibility for the prosecution of the underlying criminal case 11112
or administrative proceeding, or the attorney general if the 11113
attorney general has that responsibility, shall file a petition 11114
for the forfeiture, to the seizing law enforcement agency of the 11115
contraband seized pursuant to division (A) of this section. The 11116
petition shall be filed in the court that has jurisdiction over 11117
the underlying criminal case or administrative proceeding involved 11118
in the forfeiture. If the property was seized on the basis of both 11119
a criminal violation and an administrative regulation violation, 11120
the petition shall be filed by the officer and in the court that 11121
is appropriate in relation to the criminal case. 11122

The petitioner shall conduct or cause to be conducted a 11123
search of the appropriate public records that relate to the seized 11124
property for the purpose of determining, and shall make or cause 11125
to be made reasonably diligent inquiries for the purpose of 11126
determining, any person having an ownership or security interest 11127
in the property. The petitioner then shall give notice of the 11128
forfeiture proceedings by personal service or by certified mail, 11129
return receipt requested, to any persons known, because of the 11130
conduct of the search, the making of the inquiries, or otherwise, 11131
to have an ownership or security interest in the property, and 11132
shall publish notice of the proceedings once each week for two 11133
consecutive weeks in a newspaper of general circulation in the 11134
county in which the seizure occurred. The notices shall be 11135
personally served, mailed, and first published at least four weeks 11136
before the hearing. They shall describe the property seized; state 11137
the date and place of seizure; name the law enforcement agency 11138
that seized the property and, if applicable, that is holding the 11139
property; list the time, date, and place of the hearing; and state 11140
that any person having an ownership or security interest in the 11141
property may contest the forfeiture. 11142

If the property seized was determined by the seizing law 11143

enforcement officer to be contraband because of its relationship 11144
to an underlying criminal offense or administrative violation, no 11145
forfeiture hearing shall be held under this section unless the 11146
person pleads guilty to or is convicted of the commission of, or 11147
an attempt or conspiracy to commit, the offense or a different 11148
offense arising out of the same facts and circumstances or unless 11149
the person admits or is adjudicated to have committed the 11150
administrative violation or a different violation arising out of 11151
the same facts and circumstances; a forfeiture hearing shall be 11152
held in a case of that nature no later than forty-five days after 11153
the conviction or the admission or adjudication of the violation, 11154
unless the time for the hearing is extended by the court for good 11155
cause shown. The owner of any property seized because of its 11156
relationship to an underlying criminal offense or administrative 11157
violation may request the court to release the property to the 11158
owner. Upon receipt of a request of that nature, if the court 11159
determines that the property is not needed as evidence in the 11160
underlying criminal case or administrative proceeding, the court 11161
may permit the release of the property to the owner. As a 11162
condition precedent to a release of that nature, the court may 11163
require the owner to execute a bond with the court. Any bond so 11164
required shall have sufficient sureties approved by the court, 11165
shall be in a sum equal to the value of the property, as 11166
determined by the court, and shall be conditioned upon the return 11167
of the property to the court if the property is forfeited under 11168
this section. Any property seized because of its relationship to 11169
an underlying criminal offense or administrative violation shall 11170
be returned to its owner if charges are not filed in relation to 11171
that underlying offense or violation within thirty days after the 11172
seizure, if charges of that nature are filed and subsequently are 11173
dismissed, or if charges of that nature are filed and the person 11174
charged does not plead guilty to and is not convicted of the 11175
offense or does not admit and is not found to have committed the 11176

violation. 11177

If the property seized was determined by the seizing law 11178
enforcement officer to be contraband other than because of a 11179
relationship to an underlying criminal offense or administrative 11180
violation, the forfeiture hearing under this section shall be held 11181
no later than forty-five days after the seizure, unless the time 11182
for the hearing is extended by the court for good cause shown. 11183

Where possible, a court holding a forfeiture hearing under 11184
this section shall follow the Rules of Civil Procedure. When a 11185
hearing is conducted under this section, property shall be 11186
forfeited upon a showing, by a preponderance of the evidence, by 11187
the petitioner that the person from which the property was seized 11188
was in violation of division (A) of section 2933.42 of the Revised 11189
Code. If that showing is made, the court shall issue an order of 11190
forfeiture. If an order of forfeiture is issued in relation to 11191
contraband that was released to the owner or the owner's agent 11192
pursuant to this division or division (B)(1) of this section, the 11193
order shall require the owner to deliver the property, by a 11194
specified date, to the law enforcement agency that employed the 11195
law enforcement officer who made the seizure of the property, and 11196
the court shall deliver a copy of the order to the owner or send a 11197
copy of it by certified mail, return receipt requested, to the 11198
owner at the address to which notice of the seizure was given 11199
under division (A)(2) of this section. Except as otherwise 11200
provided in this division, all rights, interest, and title to the 11201
forfeited contraband vests in the state, effective from the date 11202
of seizure. 11203

No property shall be forfeited pursuant to this division if 11204
the owner of the property establishes, by a preponderance of the 11205
evidence, that the owner neither knew, nor should have known after 11206
a reasonable inquiry, that the property was used, or was likely to 11207
be used, in a crime or administrative violation. No bona fide 11208

security interest shall be forfeited pursuant to this division if 11209
the holder of the interest establishes, by a preponderance of the 11210
evidence, that the holder of the interest neither knew, nor should 11211
have known after a reasonable inquiry, that the property was used, 11212
or likely to be used, in a crime or administrative violation, that 11213
the holder of the interest did not expressly or impliedly consent 11214
to the use of the property in a crime or administrative violation, 11215
and that the security interest was perfected pursuant to law prior 11216
to the seizure. If the holder of the interest satisfies the court 11217
that these requirements are met, the interest shall be preserved 11218
by the court. In a case of that nature, the court shall either 11219
order that the agency to which the property is forfeited reimburse 11220
the holder of the interest to the extent of the preserved interest 11221
or order that the holder be paid for the interest from the 11222
proceeds of any sale pursuant to division (D) of this section. 11223

(D)(1) Contraband ordered forfeited pursuant to this section 11224
shall be disposed of pursuant to divisions (D)(1) to (7) of 11225
section 2933.41 of the Revised Code or, if the contraband is not 11226
described in those divisions, may be used, with the approval of 11227
the court, by the law enforcement agency that has custody of the 11228
contraband pursuant to division (D)(8) of that section. In the 11229
case of contraband not described in any of those divisions and of 11230
contraband not disposed of pursuant to any of those divisions, the 11231
contraband shall be sold in accordance with this division or, in 11232
the case of forfeited moneys, disposed of in accordance with this 11233
division. If the contraband is to be sold, the prosecuting 11234
attorney shall cause a notice of the proposed sale of the 11235
contraband to be given in accordance with law, and the property 11236
shall be sold, without appraisal, at a public auction to the 11237
highest bidder for cash. The proceeds of a sale and forfeited 11238
moneys shall be applied in the following order: 11239

(a) First, to the payment of the costs incurred in connection 11240

with the seizure of, storage of, maintenance of, and provision of 11241
security for the contraband, the forfeiture proceeding, and, if 11242
any, the sale; 11243

(b) Second, the remaining proceeds or forfeited moneys after 11244
compliance with division (D)(1)(a) of this section, to the payment 11245
of the balance due on any security interest preserved pursuant to 11246
division (C) of this section; 11247

(c) Third, the remaining proceeds or forfeited moneys after 11248
compliance with divisions (D)(1)(a) and (b) of this section, as 11249
follows: 11250

(i) If the forfeiture was ordered in a juvenile court, ten 11251
per cent to one or more alcohol and drug addiction treatment 11252
programs that are certified by the department of alcohol and drug 11253
addiction services under section 3793.06 of the Revised Code and 11254
that are specified in the order of forfeiture. A juvenile court 11255
shall not certify an alcohol or drug addiction treatment program 11256
in the order of forfeiture unless the program is a certified 11257
alcohol and drug addiction treatment program and, except as 11258
provided in division (D)(1)(c)(i) of this section, unless the 11259
program is located in the county in which the court that orders 11260
the forfeiture is located or in a contiguous county. If no 11261
certified alcohol and drug addiction treatment program is located 11262
in any of those counties, the juvenile court may specify in the 11263
order a certified alcohol and drug addiction treatment program 11264
located anywhere within this state. 11265

(ii) If the forfeiture was ordered in a juvenile court, 11266
ninety per cent, and if the forfeiture was ordered in a court 11267
other than a juvenile court, one hundred per cent to the law 11268
enforcement trust fund of the prosecuting attorney and to the law 11269
enforcement trust fund of the county sheriff if the county sheriff 11270
made the seizure, to the law enforcement trust fund of a municipal 11271

corporation if its police department made the seizure, to the law 11272
enforcement trust fund of a township if the seizure was made by a 11273
township police department, township police district police force, 11274
or office of a township constable, to the law enforcement trust 11275
fund of a park district created pursuant to section 511.18 or 11276
1545.01 of the Revised Code if the seizure was made by the park 11277
district police force or law enforcement department, to the 11278
highway patrol state contraband, forfeiture, and other fund if the 11279
state highway patrol made the seizure, to the department of public 11280
safety investigative unit contraband, forfeiture, and other fund 11281
if the investigative unit of the department of public safety made 11282
the seizure, to the department of taxation enforcement fund if the 11283
department of taxation made the seizure, to the board of pharmacy 11284
drug law enforcement fund created by division (B)(1) of section 11285
4729.65 of the Revised Code if the board made the seizure, or to 11286
the treasurer of state for deposit into the peace officer training 11287
commission fund if a state law enforcement agency, other than the 11288
state highway patrol, the investigative unit of the department of 11289
public safety, the enforcement division of the department of 11290
taxation, or the state board of pharmacy, made the seizure. The 11291
prosecuting attorney may decline to accept any of the remaining 11292
proceeds or forfeited moneys, and, if the prosecuting attorney so 11293
declines, the remaining proceeds or forfeited moneys shall be 11294
applied to the fund described in this division that relates to the 11295
law enforcement agency that made the seizure. 11296

A law enforcement trust fund shall be established by the 11297
prosecuting attorney of each county who intends to receive any 11298
remaining proceeds or forfeited moneys pursuant to this division, 11299
by the sheriff of each county, by the legislative authority of 11300
each municipal corporation, by the board of township trustees of 11301
each township that has a township police department, township 11302
police district police force, or office of the constable, and by 11303

the board of park commissioners of each park district created 11304
pursuant to section 511.18 or 1545.01 of the Revised Code that has 11305
a park district police force or law enforcement department, for 11306
the purposes of this division. There is hereby created in the 11307
state treasury the highway patrol state contraband, forfeiture, 11308
and other fund, the department of public safety investigative unit 11309
contraband, forfeiture, and other fund, the department of taxation 11310
enforcement fund, and the peace officer training commission fund, 11311
for the purposes described in this division. 11312

Proceeds or forfeited moneys distributed to any municipal 11313
corporation, township, or park district law enforcement trust fund 11314
shall be allocated from the fund by the legislative authority only 11315
to the police department of the municipal corporation, by the 11316
board of township trustees only to the township police department, 11317
township police district police force, or office of the constable, 11318
and by the board of park commissioners only to the park district 11319
police force or law enforcement department. 11320

Additionally, no proceeds or forfeited moneys shall be 11321
allocated to or used by the state highway patrol, the department 11322
of public safety, the department of taxation, the state board of 11323
pharmacy, or a county sheriff, prosecuting attorney, municipal 11324
corporation police department, township police department, 11325
township police district police force, office of the constable, or 11326
park district police force or law enforcement department unless 11327
the state highway patrol, department of public safety, department 11328
of taxation, state board of pharmacy, sheriff, prosecuting 11329
attorney, municipal corporation police department, township police 11330
department, township police district police force, office of the 11331
constable, or park district police force or law enforcement 11332
department has adopted a written internal control policy under 11333
division (D)(3) of this section that addresses the use of moneys 11334
received from the highway patrol state contraband, forfeiture, and 11335

other fund, the department of public safety investigative unit 11336
contraband, forfeiture, and other fund, the department of taxation 11337
enforcement fund, the board of pharmacy drug law enforcement fund, 11338
or the appropriate law enforcement trust fund. 11339

The highway patrol state contraband, forfeiture, and other 11340
fund, the department of public safety investigative unit 11341
contraband, forfeiture, and other fund, the department of taxation 11342
enforcement fund, and a law enforcement trust fund shall be 11343
expended only in accordance with the written internal control 11344
policy so adopted by the recipient, and, subject to the 11345
requirements specified in division (D)(3)(a)(ii) of this section, 11346
only to pay the costs of protracted or complex investigations or 11347
prosecutions, to provide reasonable technical training or 11348
expertise, to provide matching funds to obtain federal grants to 11349
aid law enforcement, in the support of DARE programs or other 11350
programs designed to educate adults or children with respect to 11351
the dangers associated with the use of drugs of abuse, to pay the 11352
costs of emergency action taken under section 3745.13 of the 11353
Revised Code relative to the operation of an illegal 11354
methamphetamine laboratory if the forfeited property or money 11355
involved was that of a person responsible for the operation of the 11356
laboratory, or for other law enforcement purposes that the 11357
superintendent of the state highway patrol, department of public 11358
safety, department of taxation, prosecuting attorney, county 11359
sheriff, legislative authority, board of township trustees, or 11360
board of park commissioners determines to be appropriate. The 11361
board of pharmacy drug law enforcement fund shall be expended only 11362
in accordance with the written internal control policy so adopted 11363
by the board and only in accordance with section 4729.65 of the 11364
Revised Code, except that it also may be expended to pay the costs 11365
of emergency action taken under section 3745.13 of the Revised 11366
Code relative to the operation of an illegal methamphetamine 11367

laboratory if the forfeited property or money involved was that of 11368
a person responsible for the operation of the laboratory. The 11369
highway patrol state contraband, forfeiture, and other fund, the 11370
department of public safety investigative unit contraband, 11371
forfeiture, and other fund, the department of taxation enforcement 11372
fund, the board of pharmacy drug law enforcement fund, and a law 11373
enforcement trust fund shall not be used to meet the operating 11374
costs of the state highway patrol, of the investigative unit of 11375
the department of public safety, of the department of taxation 11376
enforcement division, of the state board of pharmacy, of any 11377
political subdivision, or of any office of a prosecuting attorney 11378
or county sheriff that are unrelated to law enforcement. 11379

Proceeds and forfeited moneys that are paid into the state 11380
treasury to be deposited into the peace officer training 11381
commission fund shall be used by the commission only to pay the 11382
costs of peace officer training. 11383

Any sheriff or prosecuting attorney who receives proceeds or 11384
forfeited moneys pursuant to this division during any calendar 11385
year shall file a report with the county auditor, no later than 11386
the thirty-first day of January of the next calendar year, 11387
verifying that the proceeds and forfeited moneys were expended 11388
only for the purposes authorized by this division and division 11389
(D)(3)(a)(ii) of this section and specifying the amounts expended 11390
for each authorized purpose. Any municipal corporation police 11391
department that is allocated proceeds or forfeited moneys from a 11392
municipal corporation law enforcement trust fund pursuant to this 11393
division during any calendar year shall file a report with the 11394
legislative authority of the municipal corporation, no later than 11395
the thirty-first day of January of the next calendar year, 11396
verifying that the proceeds and forfeited moneys were expended 11397
only for the purposes authorized by this division and division 11398
(D)(3)(a)(ii) of this section and specifying the amounts expended 11399

for each authorized purpose. Any township police department, 11400
township police district police force, or office of the constable 11401
that is allocated proceeds or forfeited moneys from a township law 11402
enforcement trust fund pursuant to this division during any 11403
calendar year shall file a report with the board of township 11404
trustees of the township, no later than the thirty-first day of 11405
January of the next calendar year, verifying that the proceeds and 11406
forfeited moneys were expended only for the purposes authorized by 11407
this division and division (D)(3)(a)(ii) of this section and 11408
specifying the amounts expended for each authorized purpose. Any 11409
park district police force or law enforcement department that is 11410
allocated proceeds or forfeited moneys from a park district law 11411
enforcement trust fund pursuant to this division during any 11412
calendar year shall file a report with the board of park 11413
commissioners of the park district, no later than the thirty-first 11414
day of January of the next calendar year, verifying that the 11415
proceeds and forfeited moneys were expended only for the purposes 11416
authorized by this division and division (D)(3)(a)(ii) of this 11417
section and specifying the amounts expended for each authorized 11418
purpose. The superintendent of the state highway patrol shall file 11419
a report with the attorney general, no later than the thirty-first 11420
day of January of each calendar year, verifying that proceeds and 11421
forfeited moneys paid into the highway patrol state contraband, 11422
forfeiture, and other fund pursuant to this division during the 11423
prior calendar year were used by the state highway patrol during 11424
the prior calendar year only for the purposes authorized by this 11425
division and specifying the amounts expended for each authorized 11426
purpose. The executive director of the state board of pharmacy 11427
shall file a report with the attorney general, no later than the 11428
thirty-first day of January of each calendar year, verifying that 11429
proceeds and forfeited moneys paid into the board of pharmacy drug 11430
law enforcement fund during the prior calendar year were used only 11431
in accordance with section 4729.65 of the Revised Code and 11432

specifying the amounts expended for each authorized purpose. The 11433
peace officer training commission shall file a report with the 11434
attorney general, no later than the thirty-first day of January of 11435
each calendar year, verifying that proceeds and forfeited moneys 11436
paid into the peace officer training commission fund pursuant to 11437
this division during the prior calendar year were used by the 11438
commission during the prior calendar year only to pay the costs of 11439
peace officer training and specifying the amount used for that 11440
purpose. 11441

The tax commissioner shall file a report with the attorney 11442
general, not later than the thirty-first day of January of each 11443
calendar year, verifying that proceeds and forfeited moneys paid 11444
into the department of taxation enforcement fund pursuant to this 11445
division during the prior calendar year were used by the 11446
enforcement division during the prior calendar year to pay only 11447
the costs of enforcing the tax laws and specifying the amount used 11448
for that purpose. 11449

(2) If more than one law enforcement agency is substantially 11450
involved in the seizure of contraband that is forfeited pursuant 11451
to this section, the court ordering the forfeiture shall equitably 11452
divide the proceeds or forfeited moneys, after calculating any 11453
distribution to the law enforcement trust fund of the prosecuting 11454
attorney pursuant to division (D)(1)(c) of this section, among any 11455
county sheriff whose office is determined by the court to be 11456
substantially involved in the seizure, any legislative authority 11457
of a municipal corporation whose police department is determined 11458
by the court to be substantially involved in the seizure, any 11459
board of township trustees whose law enforcement agency is 11460
determined by the court to be substantially involved in the 11461
seizure, any board of park commissioners of a park district whose 11462
police force or law enforcement department is determined by the 11463
court to be substantially involved in the seizure, the state board 11464

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 11497
constable, or park district police force or law enforcement 11498
department shall adopt a written internal control policy that 11499
addresses the state highway patrol's, department of public 11500
safety's, department of taxation's, state board of pharmacy's, 11501
sheriff's, prosecuting attorney's, police department's, police 11502
force's, office of the constable's, or law enforcement 11503
department's use and disposition of all the proceeds and forfeited 11504
moneys received and that provides for the keeping of detailed 11505
financial records of the receipts of the proceeds and forfeited 11506
moneys, the general types of expenditures made out of the proceeds 11507
and forfeited moneys, the specific amount of each general type of 11508
expenditure, and the amounts, portions, and programs described in 11509
division (D)(3)(a)(ii) of this section. The policy shall not 11510
provide for or permit the identification of any specific 11511
expenditure that is made in an ongoing investigation. 11512

All financial records of the receipts of the proceeds and 11513
forfeited moneys, the general types of expenditures made out of 11514
the proceeds and forfeited moneys, the specific amount of each 11515
general type of expenditure by the state highway patrol, by the 11516
department of public safety, by the department of taxation, by the 11517
state board of pharmacy, and by a sheriff, prosecuting attorney, 11518
municipal corporation police department, township police 11519
department, township police district police force, office of the 11520
constable, or park district police force or law enforcement 11521
department, and the amounts, portions, and programs described in 11522
division (D)(3)(a)(ii) of this section are public records open for 11523
inspection under section 149.43 of the Revised Code. Additionally, 11524
a written internal control policy adopted under this division is a 11525
public record of that nature, and the state highway patrol, the 11526
department of public safety, the department of taxation, the state 11527
board of pharmacy, or the sheriff, prosecuting attorney, municipal 11528

corporation police department, township police department, 11529
township police district police force, office of the constable, or 11530
park district police force or law enforcement department that 11531
adopted it shall comply with it. 11532

(ii) The written internal control policy of a county sheriff, 11533
prosecuting attorney, municipal corporation police department, 11534
township police department, township police district police force, 11535
office of the constable, or park district police force or law 11536
enforcement department shall provide that at least ten per cent of 11537
the first one hundred thousand dollars of proceeds and forfeited 11538
moneys deposited during each calendar year in the sheriff's, 11539
prosecuting attorney's, municipal corporation's, township's, or 11540
park district's law enforcement trust fund pursuant to division 11541
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 11542
section 2925.44 of the Revised Code, and at least twenty per cent 11543
of the proceeds and forfeited moneys exceeding one hundred 11544
thousand dollars that are so deposited, shall be used in 11545
connection with community preventive education programs. The 11546
manner in which the described percentages are so used shall be 11547
determined by the sheriff, prosecuting attorney, department, 11548
police force, or office of the constable after the receipt and 11549
consideration of advice on appropriate community preventive 11550
education programs from the county's board of alcohol, drug 11551
addiction, and mental health services, from the county's alcohol 11552
and drug addiction services board, or through appropriate 11553
community dialogue. The financial records described in division 11554
(D)(3)(a)(i) of this section shall specify the amount of the 11555
proceeds and forfeited moneys deposited during each calendar year 11556
in the sheriff's, prosecuting attorney's, municipal corporation's, 11557
township's, or park district's law enforcement trust fund pursuant 11558
to division (B)(7)(c)(ii) of section 2923.46 or division 11559
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 11560

of that amount that was used pursuant to the requirements of this 11561
division, and the community preventive education programs in 11562
connection with which the portion of that amount was so used. 11563

As used in this division, "community preventive education 11564
programs" includes, but is not limited to, DARE programs and other 11565
programs designed to educate adults or children with respect to 11566
the dangers associated with the use of drugs of abuse. 11567

(b) Each sheriff, prosecuting attorney, municipal corporation 11568
police department, township police department, township police 11569
district police force, office of the constable, or park district 11570
police force or law enforcement department that receives in any 11571
calendar year any proceeds or forfeited moneys out of a law 11572
enforcement trust fund under division (D)(1)(c) of this section or 11573
uses any proceeds or forfeited moneys in its law enforcement trust 11574
fund in any calendar year shall prepare a report covering the 11575
calendar year that cumulates all of the information contained in 11576
all of the public financial records kept by the sheriff, 11577
prosecuting attorney, municipal corporation police department, 11578
township police department, township police district police force, 11579
office of the constable, or park district police force or law 11580
enforcement department pursuant to division (D)(3)(a) of this 11581
section for that calendar year, and shall send a copy of the 11582
cumulative report, no later than the first day of March in the 11583
calendar year following the calendar year covered by the report, 11584
to the attorney general. 11585

The superintendent of the state highway patrol shall prepare 11586
a report covering each calendar year in which the state highway 11587
patrol uses any proceeds or forfeited moneys in the highway patrol 11588
state contraband, forfeiture, and other fund under division 11589
(D)(1)(c) of this section, that cumulates all of the information 11590
contained in all of the public financial records kept by the state 11591
highway patrol pursuant to division (D)(3)(a) of this section for 11592

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. 11625

The executive director of the state board of pharmacy shall 11626
prepare a report covering each calendar year in which the board 11627
uses any proceeds or forfeited moneys in the board of pharmacy 11628
drug law enforcement fund under division (D)(1)(c) of this 11629
section, that cumulates all of the information contained in all of 11630
the public financial records kept by the board pursuant to 11631
division (D)(3)(a) of this section for that calendar year, and 11632
shall send a copy of the cumulative report, no later than the 11633
first day of March in the calendar year following the calendar 11634
year covered by the report, to the attorney general. Each report 11635
received by the attorney general is a public record open for 11636
inspection under section 149.43 of the Revised Code. Not later 11637
than the fifteenth day of April in the calendar year in which the 11638
reports are received, the attorney general shall send to the 11639
president of the senate and the speaker of the house of 11640
representatives a written notification that does all of the 11641
following: 11642

(i) Indicates that the attorney general has received from 11643
entities or persons specified in this division reports of the type 11644
described in this division that cover the previous calendar year 11645
and indicates that the reports were received under this division; 11646

(ii) Indicates that the reports are open for inspection under 11647
section 149.43 of the Revised Code; 11648

(iii) Indicates that the attorney general will provide a copy 11649
of any or all of the reports to the president of the senate or the 11650
speaker of the house of representatives upon request. 11651

(4)(a) A law enforcement agency that receives pursuant to 11652
federal law proceeds from a sale of forfeited contraband, proceeds 11653
from another disposition of forfeited contraband, or forfeited 11654
contraband moneys shall deposit, use, and account for the proceeds 11655

or forfeited moneys in accordance with, and otherwise comply with, 11656
the applicable federal law. 11657

(b)(i) If the state highway patrol receives from the United 11658
States department of justice pursuant to federal law proceeds from 11659
a sale of forfeited contraband, proceeds from another disposition 11660
of forfeited contraband, or forfeited contraband moneys, the 11661
appropriate governmental officials shall deposit the proceeds into 11662
the highway patrol ~~federal contraband, forfeiture, and other fund~~ 11663
justice contraband fund, which is hereby created in the state 11664
treasury. All interest or other earnings derived from the 11665
investment of the proceeds or forfeited moneys shall be credited 11666
to the fund. The state highway patrol shall use and account for 11667
that interest or other earnings in accordance with the applicable 11668
federal law. 11669

(ii) If the state highway patrol receives from the United 11670
States department of the treasury pursuant to federal law proceeds 11671
from a sale of forfeited contraband, proceeds from another 11672
disposition of forfeited contraband, or forfeited contraband 11673
moneys, the appropriate governmental officials shall deposit the 11674
proceeds into the highway patrol treasury contraband fund, which 11675
is hereby created in the state treasury. All interest or other 11676
earnings derived from the investment of the proceeds or forfeited 11677
moneys shall be credited to the fund. The state highway patrol 11678
shall use and account for that interest or other earnings in 11679
accordance with the applicable federal law. 11680

(c) If the investigative unit of the department of public 11681
safety receives pursuant to federal law proceeds from a sale of 11682
forfeited contraband, proceeds from another disposition of 11683
forfeited contraband, or forfeited contraband moneys, the 11684
appropriate governmental officials shall deposit the proceeds into 11685
the department of public safety investigative unit federal 11686
equitable share account fund, which is hereby created in the state 11687

treasury. All interest or other earnings derived from the 11688
investment of the proceeds or forfeited moneys shall be credited 11689
to the fund. The department shall use and account for that 11690
interest or other earnings in accordance with the applicable 11691
federal law. 11692

(d) If the tax commissioner receives pursuant to federal law 11693
proceeds from a sale of forfeited contraband, proceeds from 11694
another disposition of forfeited contraband, or forfeited 11695
contraband moneys, the appropriate governmental officials shall 11696
deposit into the department of taxation enforcement fund all 11697
interest or other earnings derived from the investment of the 11698
proceeds or forfeited moneys. The department shall use and account 11699
for that interest or other earnings in accordance with the 11700
applicable federal law. 11701

(e) Divisions (D)(1) to (3) of this section do not apply to 11702
proceeds or forfeited moneys received pursuant to federal law or 11703
to the interest or other earnings that are derived from the 11704
investment of proceeds or forfeited moneys received pursuant to 11705
federal law and that are described in division (D)(4)(b) of this 11706
section. 11707

(E) Upon the sale pursuant to this section of any property 11708
that is required to be titled or registered under law, the state 11709
shall issue an appropriate certificate of title or registration to 11710
the purchaser. If the state is vested with title pursuant to 11711
division (C) of this section and elects to retain property that is 11712
required to be titled or registered under law, the state shall 11713
issue an appropriate certificate of title or registration. 11714

(F) Notwithstanding any provisions of this section to the 11715
contrary, any property that is lawfully seized in relation to a 11716
violation of section 2923.32 of the Revised Code shall be subject 11717
to forfeiture and disposition in accordance with sections 2923.32 11718

to 2923.36 of the Revised Code; any property that is forfeited 11719
pursuant to section 2923.44 or 2923.45 of the Revised Code in 11720
relation to a violation of section 2923.42 of the Revised Code or 11721
in relation to an act of a juvenile that is a violation of section 11722
2923.42 of the Revised Code may be subject to forfeiture and 11723
disposition in accordance with sections 2923.44 to 2923.47 of the 11724
Revised Code; and any property that is forfeited pursuant to 11725
section 2925.42 or 2925.43 of the Revised Code in relation to a 11726
felony drug abuse offense, as defined in section 2925.01 of the 11727
Revised Code, or in relation to an act that, if committed by an 11728
adult, would be a felony drug abuse offense of that nature, may be 11729
subject to forfeiture and disposition in accordance with sections 11730
2925.41 to 2925.45 of the Revised Code or this section. 11731

(G) Any failure of a law enforcement officer or agency, a 11732
prosecuting attorney, village solicitor, city director of law, or 11733
similar chief legal officer, a court, or the attorney general to 11734
comply with any duty imposed by this section in relation to any 11735
property seized or with any other provision of this section in 11736
relation to any property seized does not affect the validity of 11737
the seizure of the property, provided the seizure itself was made 11738
in accordance with law, and is not and shall not be considered to 11739
be the basis for the suppression of any evidence resulting from 11740
the seizure of the property, provided the seizure itself was made 11741
in accordance with law. 11742

(H) Contraband that has been forfeited pursuant to division 11743
(C) of this section shall not be available for use to pay any fine 11744
imposed upon a person who is convicted of or pleads guilty to an 11745
underlying criminal offense or a different offense arising out of 11746
the same facts and circumstances. 11747

Sec. 3109.14. (A) As used in this section, "birth record" and 11748
"certification of birth" have the meanings given in section 11749

3705.01 of the Revised Code. 11750

(B)(1) The director of health, a person authorized by the 11751
director, a local commissioner of health, or a local registrar of 11752
vital statistics shall charge and collect a fee for each certified 11753
copy of a birth record, for each certification of birth, and for 11754
each copy of a death record. ~~Until October 1, 2001, the fee shall~~ 11755
~~be two dollars. On and after October 1, 2001, the~~ The fee shall be 11756
three dollars. The fee is in addition to the fee imposed by 11757
section 3705.24 or any other section of the Revised Code. A local 11758
commissioner of health or a local registrar of vital statistics 11759
may retain an amount of each additional fee collected, not to 11760
exceed three per cent of the amount of the additional fee, to be 11761
used for costs directly related to the collection of the fee and 11762
the forwarding of the fee to the treasurer of state. The 11763
additional fees collected, but not retained, under division (B)(1) 11764
of this section shall be forwarded to the treasurer of state not 11765
later than thirty days following the end of each quarter. 11766

(2) Upon the filing for a divorce decree under section 11767
3105.10 or a decree of dissolution under section 3105.65 of the 11768
Revised Code, a court of common pleas shall charge and collect a 11769
fee. ~~Until October 1, 2001, the fee shall be ten dollars. On and~~ 11770
~~after October 1, 2001, the~~ The fee shall be eleven dollars. The 11771
fee is in addition to any other court costs or fees. The county 11772
clerk of courts may retain an amount of each additional fee 11773
collected, not to exceed three per cent of the amount of the 11774
additional fee, to be used for costs directly related to the 11775
collection of the fee and the forwarding of the fee to the 11776
treasurer of state. The additional fees collected, but not 11777
retained, under division (B)(2) of this section shall be forwarded 11778
to the treasurer of state not later than twenty days following the 11779
end of each month. 11780

(C) ~~The additional fees collected, but not retained, under~~ 11781

~~this section during each month shall be forwarded not later than~~ 11782
~~the tenth day of the immediately following month to the treasurer~~ 11783
~~of state, who shall deposit the fees forwarded under this section~~ 11784
in the state treasury to the credit of the children's trust fund, 11785
which is hereby created. A person or government entity that fails 11786
to forward the fees in a timely manner, as determined by the 11787
treasurer of state, shall forward to the treasurer of state, in 11788
addition to the fees, a penalty equal to ten per cent of the fees. 11789

The treasurer of state shall invest the moneys in the fund, 11790
and all earnings resulting from investment of the fund shall be 11791
credited to the fund, except that actual administrative costs 11792
incurred by the treasurer of state in administering the fund may 11793
be deducted from the earnings resulting from investments. The 11794
amount that may be deducted shall not exceed three per cent of the 11795
total amount of fees credited to the fund in each fiscal year, 11796
except that the children's trust fund board may approve an amount 11797
for actual administrative costs exceeding three per cent but not 11798
exceeding four per cent of such amount. The balance of the 11799
investment earnings shall be credited to the fund. Moneys credited 11800
to the fund shall be used only for the purposes described in 11801
sections 3109.13 to 3109.18 of the Revised Code. 11802

Sec. 3301.0714. (A) The state board of education shall adopt 11803
rules for a statewide education management information system. The 11804
rules shall require the state board to establish guidelines for 11805
the establishment and maintenance of the system in accordance with 11806
this section and the rules adopted under this section. The 11807
guidelines shall include: 11808

(1) Standards identifying and defining the types of data in 11809
the system in accordance with divisions (B) and (C) of this 11810
section; 11811

(2) Procedures for annually collecting and reporting the data 11812

to the state board in accordance with division (D) of this 11813
section; 11814

(3) Procedures for annually compiling the data in accordance 11815
with division (G) of this section; 11816

(4) Procedures for annually reporting the data to the public 11817
in accordance with division (H) of this section. 11818

(B) The guidelines adopted under this section shall require 11819
the data maintained in the education management information system 11820
to include at least the following: 11821

(1) Student participation and performance data, for each 11822
grade in each school district as a whole and for each grade in 11823
each school building in each school district, that includes: 11824

(a) The numbers of students receiving each category of 11825
instructional service offered by the school district, such as 11826
regular education instruction, vocational education instruction, 11827
specialized instruction programs or enrichment instruction that is 11828
part of the educational curriculum, instruction for gifted 11829
students, instruction for handicapped students, and remedial 11830
instruction. The guidelines shall require instructional services 11831
under this division to be divided into discrete categories if an 11832
instructional service is limited to a specific subject, a specific 11833
type of student, or both, such as regular instructional services 11834
in mathematics, remedial reading instructional services, 11835
instructional services specifically for students gifted in 11836
mathematics or some other subject area, or instructional services 11837
for students with a specific type of handicap. The categories of 11838
instructional services required by the guidelines under this 11839
division shall be the same as the categories of instructional 11840
services used in determining cost units pursuant to division 11841
(C)(3) of this section. 11842

(b) The numbers of students receiving support or 11843

extracurricular services for each of the support services or 11844
extracurricular programs offered by the school district, such as 11845
counseling services, health services, and extracurricular sports 11846
and fine arts programs. The categories of services required by the 11847
guidelines under this division shall be the same as the categories 11848
of services used in determining cost units pursuant to division 11849
(C)(4)(a) of this section. 11850

(c) Average student grades in each subject in grades nine 11851
through twelve; 11852

(d) Academic achievement levels as assessed by the testing of 11853
student achievement under sections 3301.0710 and 3301.0711 of the 11854
Revised Code; 11855

(e) The number of students designated as having a 11856
handicapping condition pursuant to division (C)(1) of section 11857
3301.0711 of the Revised Code; 11858

(f) The numbers of students reported to the state board 11859
pursuant to division (C)(2) of section 3301.0711 of the Revised 11860
Code; 11861

(g) Attendance rates and the average daily attendance for the 11862
year. For purposes of this division, a student shall be counted as 11863
present for any field trip that is approved by the school 11864
administration. 11865

(h) Expulsion rates; 11866

(i) Suspension rates; 11867

(j) The percentage of students receiving corporal punishment; 11868

(k) Dropout rates; 11869

(l) Rates of retention in grade; 11870

(m) For pupils in grades nine through twelve, the average 11871
number of carnegie units, as calculated in accordance with state 11872

board of education rules; 11873

(n) Graduation rates, to be calculated in a manner specified 11874
by the department of education that reflects the rate at which 11875
students who were in the ninth grade three years prior to the 11876
current year complete school and that is consistent with 11877
nationally accepted reporting requirements; 11878

(o) Results of diagnostic assessments administered to 11879
kindergarten students as required under section 3301.0715 of the 11880
Revised Code to permit a comparison of the academic readiness of 11881
kindergarten students. However, no district shall be required to 11882
report to the department the results of any diagnostic assessment 11883
administered to a kindergarten student if the parent of that 11884
student requests the district not to report those results. 11885

(2) Personnel and classroom enrollment data for each school 11886
district, including: 11887

(a) The total numbers of licensed employees and nonlicensed 11888
employees and the numbers of full-time equivalent licensed 11889
employees and nonlicensed employees providing each category of 11890
instructional service, instructional support service, and 11891
administrative support service used pursuant to division (C)(3) of 11892
this section. The guidelines adopted under this section shall 11893
require these categories of data to be maintained for the school 11894
district as a whole and, wherever applicable, for each grade in 11895
the school district as a whole, for each school building as a 11896
whole, and for each grade in each school building. 11897

(b) The total number of employees and the number of full-time 11898
equivalent employees providing each category of service used 11899
pursuant to divisions (C)(4)(a) and (b) of this section, and the 11900
total numbers of licensed employees and nonlicensed employees and 11901
the numbers of full-time equivalent licensed employees and 11902
nonlicensed employees providing each category used pursuant to 11903

division (C)(4)(c) of this section. The guidelines adopted under 11904
this section shall require these categories of data to be 11905
maintained for the school district as a whole and, wherever 11906
applicable, for each grade in the school district as a whole, for 11907
each school building as a whole, and for each grade in each school 11908
building. 11909

(c) The total number of regular classroom teachers teaching 11910
classes of regular education and the average number of pupils 11911
enrolled in each such class, in each of grades kindergarten 11912
through five in the district as a whole and in each school 11913
building in the school district. 11914

(d) The number of master teachers employed by each school 11915
district and each school building, once a definition of master 11916
teacher has been developed by the educator standards board 11917
pursuant to section 3319.61 of the Revised Code. 11918

(3)(a) Student demographic data for each school district, 11919
including information regarding the gender ratio of the school 11920
district's pupils, the racial make-up of the school district's 11921
pupils, the number of limited English proficient students in the 11922
district, and an appropriate measure of the number of the school 11923
district's pupils who reside in economically disadvantaged 11924
households. The demographic data shall be collected in a manner to 11925
allow correlation with data collected under division (B)(1) of 11926
this section. Categories for data collected pursuant to division 11927
(B)(3) of this section shall conform, where appropriate, to 11928
standard practices of agencies of the federal government. 11929

(b) With respect to each student entering kindergarten, 11930
whether the student previously participated in a public preschool 11931
program, a private preschool program, or a head start program, and 11932
the number of years the student participated in each of these 11933
programs. 11934

(4) Any data required to be collected pursuant to federal law. 11935
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 11937
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 11946
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 11952
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each 11958
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building in the school district and in terms of a total cost for 11966
each category of service and, as a breakdown of the total cost, a 11967
cost for each of the following components: 11968

(a) The cost of each instructional services category required 11969
by guidelines adopted under division (B)(1)(a) of this section 11970
that is provided directly to students by a classroom teacher; 11971

(b) The cost of the instructional support services, such as 11972
services provided by a speech-language pathologist, classroom 11973
aide, multimedia aide, or librarian, provided directly to students 11974
in conjunction with each instructional services category; 11975

(c) The cost of the administrative support services related 11976
to each instructional services category, such as the cost of 11977
personnel that develop the curriculum for the instructional 11978
services category and the cost of personnel supervising or 11979
coordinating the delivery of the instructional services category. 11980

(4) Support or extracurricular services costs for each 11981
category of service directly provided to students and required by 11982
guidelines adopted pursuant to division (B)(1)(b) of this section. 11983
The guidelines shall require the cost units under division (C)(4) 11984
of this section to be designed so that each of them may be 11985
compiled and reported in terms of average expenditure per pupil 11986
receiving the service in the school district as a whole and 11987
average expenditure per pupil receiving the service in each 11988
building in the school district and in terms of a total cost for 11989
each category of service and, as a breakdown of the total cost, a 11990
cost for each of the following components: 11991

(a) The cost of each support or extracurricular services 11992
category required by guidelines adopted under division (B)(1)(b) 11993
of this section that is provided directly to students by a 11994
licensed employee, such as services provided by a guidance 11995
counselor or any services provided by a licensed employee under a 11996

supplemental contract; 11997

(b) The cost of each such services category provided directly 11998
to students by a nonlicensed employee, such as janitorial 11999
services, cafeteria services, or services of a sports trainer; 12000

(c) The cost of the administrative services related to each 12001
services category in division (C)(4)(a) or (b) of this section, 12002
such as the cost of any licensed or nonlicensed employees that 12003
develop, supervise, coordinate, or otherwise are involved in 12004
administering or aiding the delivery of each services category. 12005

(D)(1) The guidelines adopted under this section shall 12006
require school districts to collect information about individual 12007
students, staff members, or both in connection with any data 12008
required by division (B) or (C) of this section or other reporting 12009
requirements established in the Revised Code. The guidelines may 12010
also require school districts to report information about 12011
individual staff members in connection with any data required by 12012
division (B) or (C) of this section or other reporting 12013
requirements established in the Revised Code. The guidelines shall 12014
not authorize school districts to request social security numbers 12015
of individual students. The guidelines shall prohibit the 12016
reporting under this section of a student's name, address, and 12017
social security number to the state board of education or the 12018
department of education. The guidelines shall also prohibit the 12019
reporting under this section of any personally identifiable 12020
information about any student, except for the purpose of assigning 12021
the data verification code required by division (D)(2) of this 12022
section, to any other person unless such person is employed by the 12023
school district or the data acquisition site operated under 12024
section 3301.075 of the Revised Code and is authorized by the 12025
district or acquisition site to have access to such information or 12026
is employed by an entity with which the department contracts for 12027
the scoring of tests administered under section 3301.0711 or 12028

3301.0712 of the Revised Code. The guidelines may require school
districts to provide the social security numbers of individual
staff members.

(2) The guidelines shall provide for each school district or
community school to assign a data verification code that is unique
on a statewide basis over time to each student whose initial Ohio
enrollment is in that district or school and to report all
required individual student data for that student utilizing such
code. The guidelines shall also provide for assigning data
verification codes to all students enrolled in districts or
community schools on the effective date of the guidelines
established under this section.

Individual student data shall be reported to the department
through the data acquisition sites utilizing the code but, except
as provided in section 3310.11 of the Revised Code, at no time
shall the state board or the department have access to information
that would enable any data verification code to be matched to
personally identifiable student data.

Each school district shall ensure that the data verification
code is included in the student's records reported to any
subsequent school district or community school in which the
student enrolls. Any such subsequent district or school shall
utilize the same identifier in its reporting of data under this
section.

(E) The guidelines adopted under this section may require
school districts to collect and report data, information, or
reports other than that described in divisions (A), (B), and (C)
of this section for the purpose of complying with other reporting
requirements established in the Revised Code. The other data,
information, or reports may be maintained in the education
management information system but are not required to be compiled

as part of the profile formats required under division (G) of this 12060
section or the annual statewide report required under division (H) 12061
of this section. 12062

(F) Beginning with the school year that begins July 1, 1991, 12063
the board of education of each school district shall annually 12064
collect and report to the state board, in accordance with the 12065
guidelines established by the board, the data required pursuant to 12066
this section. A school district may collect and report these data 12067
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 12068

(G) The state board shall, in accordance with the procedures 12069
it adopts, annually compile the data reported by each school 12070
district pursuant to division (D) of this section. The state board 12071
shall design formats for profiling each school district as a whole 12072
and each school building within each district and shall compile 12073
the data in accordance with these formats. These profile formats 12074
shall: 12075

(1) Include all of the data gathered under this section in a 12076
manner that facilitates comparison among school districts and 12077
among school buildings within each school district; 12078

(2) Present the data on academic achievement levels as 12079
assessed by the testing of student achievement maintained pursuant 12080
to division (B)(1)(d) of this section. 12081

(H)(1) The state board shall, in accordance with the 12082
procedures it adopts, annually prepare a statewide report for all 12083
school districts and the general public that includes the profile 12084
of each of the school districts developed pursuant to division (G) 12085
of this section. Copies of the report shall be sent to each school 12086
district. 12087

(2) The state board shall, in accordance with the procedures 12088
it adopts, annually prepare an individual report for each school 12089
district and the general public that includes the profiles of each 12090

of the school buildings in that school district developed pursuant 12091
to division (G) of this section. Copies of the report shall be 12092
sent to the superintendent of the district and to each member of 12093
the district board of education. 12094

(3) Copies of the reports received from the state board under 12095
divisions (H)(1) and (2) of this section shall be made available 12096
to the general public at each school district's offices. Each 12097
district board of education shall make copies of each report 12098
available to any person upon request and payment of a reasonable 12099
fee for the cost of reproducing the report. The board shall 12100
annually publish in a newspaper of general circulation in the 12101
school district, at least twice during the two weeks prior to the 12102
week in which the reports will first be available, a notice 12103
containing the address where the reports are available and the 12104
date on which the reports will be available. 12105

(I) Any data that is collected or maintained pursuant to this 12106
section and that identifies an individual pupil is not a public 12107
record for the purposes of section 149.43 of the Revised Code. 12108

(J) As used in this section: 12109

(1) "School district" means any city, local, exempted 12110
village, or joint vocational school district. 12111

(2) "Cost" means any expenditure for operating expenses made 12112
by a school district excluding any expenditures for debt 12113
retirement except for payments made to any commercial lending 12114
institution for any loan approved pursuant to section 3313.483 of 12115
the Revised Code. 12116

(K) Any person who removes data from the information system 12117
established under this section for the purpose of releasing it to 12118
any person not entitled under law to have access to such 12119
information is subject to section 2913.42 of the Revised Code 12120
prohibiting tampering with data. 12121

(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:

(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;

(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;

(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.

Any report made under this division shall include recommendations for corrective action by the school district.

Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty-five days of the date upon which the report was made by the department.

(M) No data acquisition site or school district shall

acquire, change, or update its student administration software 12153
package to manage and report data required to be reported to the 12154
department unless it converts to a student software package that 12155
is certified by the department. 12156

(N) The state board of education, in accordance with sections 12157
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 12158
license as defined under division (A) of section 3319.31 of the 12159
Revised Code that has been issued to any school district employee 12160
found to have willfully reported erroneous, inaccurate, or 12161
incomplete data to the education management information system. 12162

(O) No person shall release or maintain any information about 12163
any student in violation of this section. Whoever violates this 12164
division is guilty of a misdemeanor of the fourth degree. 12165

(P) The department shall disaggregate the data collected 12166
under division (B)(1)(o) of this section according to the race and 12167
socioeconomic status of the students assessed. No data collected 12168
under that division shall be included on the report cards required 12169
by section 3302.03 of the Revised Code. 12170

(Q) If the department cannot compile any of the information 12171
required by division (C)(5) of section 3302.03 of the Revised Code 12172
based upon the data collected under this section, the department 12173
shall develop a plan and a reasonable timeline for the collection 12174
of any data necessary to comply with that division. 12175

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 12176
later than July 1, 2007, the department of education shall 12177
implement a value-added progress dimension for school districts 12178
and buildings and shall incorporate the value-added progress 12179
dimension into the report cards and performance ratings issued for 12180
districts and buildings under section 3302.03 of the Revised Code. 12181

The state board of education shall adopt rules, pursuant to 12182

Chapter 119. of the Revised Code, for the implementation of the 12183
value-added progress dimension. In adopting rules, the state board 12184
shall consult with the Ohio accountability task force established 12185
under division (D) of this section. The rules adopted under this 12186
division shall specify both of the following: 12187

(1) A scale for describing the levels of academic progress in 12188
reading and mathematics relative to a standard year of academic 12189
growth in those subjects for each of grades three through eight; 12190

(2) That the department shall maintain the confidentiality of 12191
individual student test scores and individual student reports in 12192
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 12193
Revised Code and federal law. The department may require school 12194
districts to use a unique identifier for each student for this 12195
purpose. Individual student test scores and individual student 12196
reports shall be made available only to a student's classroom 12197
teacher and other appropriate educational personnel and to the 12198
student's parent or guardian. 12199

(B) The department shall use a system designed for collecting 12200
necessary data, calculating the value-added progress dimension, 12201
analyzing data, and generating reports, which system has been used 12202
previously by a non-profit organization led by the Ohio business 12203
community for at least one year in the operation of a pilot 12204
program in cooperation with school districts to collect and report 12205
student achievement data via electronic means and to provide 12206
information to the districts regarding the academic performance of 12207
individual students, grade levels, school buildings, and the 12208
districts as a whole. 12209

(C) The department shall not pay more than two dollars per 12210
student for data analysis and reporting to implement the 12211
value-added progress dimension in the same manner and with the 12212
same services as under the pilot program described by division (B) 12213

of this section. However, nothing in this section shall preclude
the department or any school district from entering into a
contract for the provision of more services at a higher fee per
student. Any data analysis conducted under this section by an
entity under contract with the department shall be completed in
accordance with timelines established by the superintendent of
public instruction.

(D)(1) There is hereby established the Ohio accountability
task force. The task force shall consist of the following thirteen
members:

(a) The chairpersons and ranking minority members of the
house of representatives and senate standing committees primarily
responsible for education legislation, who shall be nonvoting
members;

(b) One representative of the governor's office, appointed by
the governor;

(c) The superintendent of public instruction, or the
superintendent's designee;

(d) One representative of teacher employee organizations
formed pursuant to Chapter 4117. of the Revised Code, appointed by
the speaker of the house of representatives;

(e) One representative of school district boards of
education, appointed by the president of the senate;

(f) One school district superintendent, appointed by the
speaker of the house of representatives;

(g) One representative of business, appointed by the
president of the senate;

(h) One representative of a non-profit organization led by
the Ohio business community, appointed by the governor;

(i) One school building principal, appointed by the president

of the senate; 12244

(j) A member of the state board of education, appointed by 12245
the speaker of the house of representatives. 12246

Initial appointed members of the task force shall serve until 12247
January 1, 2005. Thereafter, terms of office for appointed members 12248
shall be for two years, each term ending on the same day of the 12249
same month as did the term that it succeeds. Each appointed member 12250
shall hold office from the date of appointment until the end of 12251
the term for which the member was appointed. Members may be 12252
reappointed. Vacancies shall be filled in the same manner as the 12253
original appointment. Any member appointed to fill a vacancy 12254
occurring prior to the expiration of the term for which the 12255
member's predecessor was appointed shall hold office for the 12256
remainder of that term. 12257

The task force shall select from among its members a 12258
chairperson. The task force shall meet at least six times each 12259
calendar year and at other times upon the call of the chairperson 12260
to conduct its business. Members of the task force shall serve 12261
without compensation. 12262

(2) The task force shall do all of the following: 12263

(a) Examine the implementation of the value-added progress 12264
dimension by the department, including the system described in 12265
division (B) of this section, the reporting of performance data to 12266
school districts and buildings, and the provision of professional 12267
development on the interpretation of the data to classroom 12268
teachers and administrators; 12269

(b) Periodically review any fees for data analysis and 12270
reporting paid by the department pursuant to division (C) of this 12271
section and determine if the fees are appropriate based upon the 12272
level of services provided; 12273

(c) Periodically report to the department and the state board 12274
on all issues related to the school district and building 12275
accountability system established under this chapter; 12276

(d) Not later than seven years after its initial meeting, 12277
make recommendations to improve the school district and building 12278
accountability system established under this chapter. The task 12279
force shall adopt recommendations by a majority vote of its 12280
members. Copies of the recommendations shall be provided to the 12281
state board, the governor, the speaker of the house of 12282
representatives, and the president of the senate. 12283

(e) Determine starting dates for the implementation of the 12284
value-added progress dimension and its incorporation into school 12285
district and building report cards and performance ratings. 12286

Sec. 3307.32. All amounts due the state teachers retirement 12287
system from the state treasury pursuant to this chapter shall be 12288
promptly paid upon warrant of the ~~auditor of state~~ director of 12289
budget and management pursuant to a voucher approved by the 12290
director of ~~budget and management~~. 12291

Sec. 3309.68. All amounts due the school employees retirement 12292
system from the state treasury pursuant to this chapter shall be 12293
promptly paid upon warrant of the ~~auditor of state~~ director of 12294
budget and management pursuant to a voucher approved by the 12295
director of ~~budget and management~~. 12296

Sec. 3310.03. (A) A student is an "eligible student" for 12297
purposes of the educational choice scholarship pilot program if 12298
the student satisfies both of the following conditions: 12299

(1) The student either: 12300

(a) Is enrolled in a school building that is operated by the 12301
student's resident district and that the department of education 12302

declared, in the most recent rating of school buildings published 12303
prior to the first day of July of the school year for which a 12304
scholarship is sought and in the two preceding school years, to be 12305
in a state of academic emergency or academic watch under section 12306
3302.03 of the Revised Code; 12307

(b) Is eligible to enroll in kindergarten in the school year 12308
for which a scholarship is sought and otherwise would be assigned 12309
under section 3319.01 of the Revised Code to a school building 12310
described in division (A)(1)(a) of this section; 12311

(c) Is enrolled in a community school established under 12312
Chapter 3314. of the Revised Code but otherwise would be assigned 12313
under section 3319.01 of the Revised Code to a building described 12314
in division (A)(1)(a) of this section; 12315

(d) Is eligible to enroll in kindergarten in the school year 12316
for which a scholarship is sought, or is enrolled in a community 12317
school established under Chapter 3314. of the Revised Code, and 12318
the student's resident district both: 12319

(i) Has in force an intradistrict open enrollment policy 12320
under which no student in kindergarten or the community school 12321
student's grade level, respectively, is automatically assigned to 12322
a particular school building; 12323

(ii) In the most recent rating of school districts published 12324
prior to the first day of July of the school year for which a 12325
scholarship is sought and in the preceding two school years, was 12326
declared to be in a state of academic emergency under section 12327
3302.03 of the Revised Code. 12328

(2) The student's resident district is not a school district 12329
in which the pilot project scholarship program is operating under 12330
sections 3313.974 to 3313.979 of the Revised Code. 12331

(B) A student who receives a scholarship under the 12332

educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same;

(2) The student takes each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including absences due to illness or injury confirmed in writing by a physician.

(C) The superintendent shall cease awarding first-time scholarships with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to be in a state of academic emergency or academic watch. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.

Sec. 3310.06. It is the policy adopted by the general assembly that the educational choice scholarship pilot program shall be construed as one of several educational options available for students enrolled in academic emergency or academic watch school buildings. Students may be enrolled in the schools of the student's resident district, in a community school established under Chapter 3314. of the Revised Code, in the schools of another school district pursuant to an open enrollment policy adopted under section 3313.98 of the Revised Code, in a chartered

nonpublic school with or without a scholarship under the 12363
educational choice scholarship pilot program, or in other schools 12364
as the law may provide. 12365

Sec. 3310.11. (A) Only for the purpose of administering the 12366
educational choice scholarship pilot program, the department of 12367
education may request from the resident district of each student 12368
seeking a scholarship under the program or, if applicable, from 12369
the community school in which that student is enrolled the data 12370
verification code assigned to that student under division (D)(2) 12371
of section 3301.0714 of the Revised Code. 12372

(B) Upon a request by the department under division (A) of 12373
this section for the data verification code of a student seeking a 12374
scholarship or a request by the student's parent for that code, 12375
the school district or community school shall submit that code to 12376
the department or parent in the manner specified by the 12377
department. If the student has not been assigned a code, because 12378
the student will be entering kindergarten during the school year 12379
for which the scholarship is sought, the district shall assign a 12380
code to that student and submit the code to the department or 12381
parent. 12382

(C) For the purpose of administering the applicable tests 12383
prescribed under sections 3301.0710 and 3301.0712 of the Revised 12384
Code, as required by section 3310.14 of the Revised Code, the 12385
department shall provide to each chartered nonpublic school that 12386
enrolls a scholarship student the data verification code for that 12387
student. 12388

(D) The department and each chartered nonpublic school that 12389
receives a data verification code under this section shall not 12390
release that code to any person except as provided by law. 12391

Any document relative to this program that the department 12392

holds in its files that contains both a student's name or other 12393
personally identifiable information and the student's data 12394
verification code shall not be a public record under section 12395
149.43 of the Revised Code. 12396

Sec. 3310.12. Except as provided in division (D) of section 12397
3310.11 of the Revised Code, documents relative to the educational 12398
choice scholarship pilot program that the department holds in its 12399
files are public records under section 149.43 of the Revised Code 12400
and may be released pursuant to that section subject to the 12401
provisions of section 3319.321 of the Revised Code and the "Family 12402
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 12403
U.S.C. 1232g, as amended. 12404

Sec. 3313.29. The treasurer of each board of education shall 12405
keep an account of all school funds of the district. The treasurer 12406
shall receive all vouchers for payments and disbursements made to 12407
and by the board and preserve such vouchers for a period of ten 12408
years unless copied or reproduced according to the procedure 12409
prescribed in section 9.01 of the Revised Code. Thereafter, such 12410
vouchers may be destroyed by the treasurer upon applying to and 12411
obtaining an order from the school district records commission in 12412
the manner prescribed by section 149.41 of the Revised Code, 12413
except that it shall not be necessary to copy or reproduce such 12414
vouchers before their destruction. The treasurer shall render a 12415
statement to the board and to the superintendent of the school 12416
district, monthly, or more often if required, showing the revenues 12417
and receipts from whatever sources derived, the various 12418
appropriations made by the board, the expenditures and 12419
disbursements therefrom, the purposes thereof, the balances 12420
remaining in each appropriation, and the assets and liabilities of 12421
the school district. At the end of the fiscal year such statement 12422
shall be a complete exhibit of the financial affairs of the school 12423

district which may be published and distributed with the approval 12424
of the board. All monthly and yearly statements as required in 12425
this section shall be available for examination by the public. 12426

On request of the principal or other chief administrator of 12427
any nonpublic school located within the school district's 12428
territory, the treasurer shall provide such principal or 12429
administrator with an account of the moneys received by the 12430
district under division ~~(L)~~(I) of section 3317.024 of the Revised 12431
Code as reported to the district's board in the treasurer's most 12432
recent monthly statement. 12433

Sec. 3313.372. (A) As used in this section, "energy 12434
conservation measure" means an installation or modification of an 12435
installation in, or remodeling of, a building, to reduce energy 12436
consumption. It includes: 12437

(1) Insulation of the building structure and systems within 12438
the building; 12439

(2) Storm windows and doors, multiglazed windows and doors, 12440
heat absorbing or heat reflective glazed and coated window and 12441
door systems, additional glazing, reductions in glass area, and 12442
other window and door system modifications that reduce energy 12443
consumption; 12444

(3) Automatic energy control systems; 12445

(4) Heating, ventilating, or air conditioning system 12446
modifications or replacements; 12447

(5) Caulking and weatherstripping; 12448

(6) Replacement or modification of lighting fixtures to 12449
increase the energy efficiency of the system without increasing 12450
the overall illumination of a facility, unless such increase in 12451
illumination is necessary to conform to the applicable state or 12452
local building code for the proposed lighting system; 12453

(7) Energy recovery systems;	12454
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	12455 12456 12457
(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure.	12458 12459 12460
(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:	12461 12462 12463 12464 12465 12466 12467
(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.	12468 12469
(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.	12470 12471
An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section.	12472 12473 12474 12475 12476 12477 12478
(C) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined	12479 12480 12481 12482 12483

as provided in section 9.95 of the Revised Code. The notes may
contain an option for prepayment and shall not be subject to
Chapter 133. of the Revised Code. In the resolution authorizing
the notes, the board may provide, without the vote of the electors
of the district, for annually levying and collecting taxes in
amounts sufficient to pay the interest on and retire the notes,
except that the total net indebtedness of the district without a
vote of the electors incurred under this and all other sections of
the Revised Code, except section 3318.052 of the Revised Code,
shall not exceed one per cent of the district's tax valuation.
Revenues derived from local taxes or otherwise, for the purpose of
conserving energy or for defraying the current operating expenses
of the district, may be applied to the payment of interest and the
retirement of such notes. The notes may be sold at private sale or
given to the contractor under the installment payment contract
authorized by division (B) of this section.

(D) Debt incurred under this section shall not be included in
the calculation of the net indebtedness of a school district under
section 133.06 of the Revised Code.

(E) No school district board shall enter into an installment
payment contract under division (B) of this section unless it
first obtains a report of the costs of the energy conservation
measures and the savings thereof as described under division (G)
of section 133.06 of the Revised Code as a requirement for issuing
energy securities, makes a finding that the amount spent on such
measures is not likely to exceed the amount of money it would save
in energy costs and resultant operational and maintenance costs as
described in that division, except that that finding shall cover
the ensuing fifteen years, and the Ohio school facilities
commission determines that the district board's findings are
reasonable and approves the contract as described in that
division.

The district board shall monitor the savings and maintain a report of those savings, which shall be available to the commission in the same manner as required by division (G) of section 133.06 of the Revised Code in the case of energy securities.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person either:

(a) Has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division unless the person was excused from taking any such test pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to

anyone except as provided under this division.

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(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board of education, by any such district board to anyone who successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, who has attained subject to section 3313.614 of the Revised Code at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code, and who has met additional criteria established by the state board for the granting of such a diploma. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

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The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

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(C) Any such district board administering any of the tests

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required by section 3301.0710 or 3301.0712 of the Revised Code to 12578
any person requesting to take such test pursuant to division 12579
(B)(8)(b) of section 3301.0711 of the Revised Code shall award a 12580
diploma to such person if the person attains at least the 12581
applicable scores designated under division (B) of section 12582
3301.0710 of the Revised Code on all the tests administered and if 12583
the person has previously attained the applicable scores on all 12584
the other tests required by division (B) of that section or has 12585
been exempted or excused from attaining the applicable score on 12586
any such test pursuant to division (H) or (L) of this section or 12587
from taking any such test pursuant to section 3313.532 of the 12588
Revised Code. 12589

(D) Each diploma awarded under this section shall be signed 12590
by the president and treasurer of the issuing board, the 12591
superintendent of schools, and the principal of the high school. 12592
Each diploma shall bear the date of its issue, be in such form as 12593
the district board prescribes, and be paid for out of the 12594
district's general fund. 12595

(E) A person who is a resident of Ohio and is eligible under 12596
state board of education minimum standards to receive a high 12597
school diploma based in whole or in part on credits earned while 12598
an inmate of a correctional institution operated by the state or 12599
any political subdivision thereof, shall be granted such diploma 12600
by the correctional institution operating the programs in which 12601
such credits were earned, and by the board of education of the 12602
school district in which the inmate resided immediately prior to 12603
the inmate's placement in the institution. The diploma granted by 12604
the correctional institution shall be signed by the director of 12605
the institution, and by the person serving as principal of the 12606
institution's high school and shall bear the date of issue. 12607

(F) Persons who are not residents of Ohio but who are inmates 12608
of correctional institutions operated by the state or any 12609

political subdivision thereof, and who are eligible under state
board of education minimum standards to receive a high school
diploma based in whole or in part on credits earned while an
inmate of the correctional institution, shall be granted a diploma
by the correctional institution offering the program in which the
credits were earned. The diploma granted by the correctional
institution shall be signed by the director of the institution and
by the person serving as principal of the institution's high
school and shall bear the date of issue.

(G) The state board of education shall provide by rule for
the administration of the tests required by section 3301.0710 of
the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be
exempted from attaining the applicable score on the test in social
studies designated under division (B) of section 3301.0710 of the
Revised Code or the test in citizenship designated under former
division (B) of section 3301.0710 of the Revised Code as it
existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United
States;

(3) The person indicates no intention to reside in the United
States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and
division (D) of section 3311.52 of the Revised Code, this section
and section 3311.611 of the Revised Code do not apply to the board
of education of any joint vocational school district or any
cooperative education school district established pursuant to
divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section

3325.08 of the Revised Code that a student has received a diploma 12640
under that section, the board of education receiving the notice 12641
may grant a high school diploma under this section to the student, 12642
except that such board shall grant the student a diploma if the 12643
student meets the graduation requirements that the student would 12644
otherwise have had to meet to receive a diploma from the district. 12645
The diploma granted under this section shall be of the same type 12646
the notice indicates the student received under section 3325.08 of 12647
the Revised Code. 12648

(K) As used in this division, "limited English proficient 12649
student" has the same meaning as in division (C)(3) of section 12650
3301.0711 of the Revised Code. 12651

Notwithstanding division (C)(3) of section 3301.0711 of the 12652
Revised Code, no limited English proficient student who has not 12653
attained the applicable scores designated under division (B) of 12654
section 3301.0710 of the Revised Code on all the tests required by 12655
that division shall be awarded a diploma under this section. 12656

(L) Any student described by division (A)(1) of this section 12657
may be awarded a diploma without attaining the applicable scores 12658
designated on the tests prescribed under division (B) of section 12659
3301.0710 of the Revised Code provided an individualized education 12660
program specifically exempts the student from attaining such 12661
scores. This division does not negate the requirement for such a 12662
student to take all such tests or alternate assessments required 12663
by division (C)(1) of section 3301.0711 of the Revised Code for 12664
the purpose of assessing student progress as required by federal 12665
law. 12666

Sec. 3313.64. (A) As used in this section and in section 12667
3313.65 of the Revised Code: 12668

(1)(a) Except as provided in division (A)(1)(b) of this 12669

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:

- (a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services. 12701
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- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 12704
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- (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. 12707
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- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 12710
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- (5) "Agency" means all of the following: 12712
- (a) A public children services agency; 12713
- (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; 12714
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- (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. 12720
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- (6) A child is placed for adoption if either of the following occurs: 12723
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- (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. 12725
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- (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care 12729
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for and adopt the child. 12731

(7) "Handicapped preschool child" means a handicapped child, 12732
as defined by division (A) of section 3323.01 of the Revised Code, 12733
who is at least three years of age but is not of compulsory school 12734
age, as defined in section 3321.01 of the Revised Code, and who is 12735
not currently enrolled in kindergarten. 12736

(8) "Child," unless otherwise indicated, includes handicapped 12737
preschool children. 12738

(9) "Active duty" means active duty pursuant to an executive 12739
order of the president of the United States, an act of the 12740
congress of the United States, or section 5919.29 or 5923.21 of 12741
the Revised Code. 12742

(B) Except as otherwise provided in section 3321.01 of the 12743
Revised Code for admittance to kindergarten and first grade, a 12744
child who is at least five but under twenty-two years of age and 12745
any handicapped preschool child shall be admitted to school as 12746
provided in this division. 12747

(1) A child shall be admitted to the schools of the school 12748
district in which the child's parent resides. 12749

(2) A child who does not reside in the district where the 12750
child's parent resides shall be admitted to the schools of the 12751
district in which the child resides if any of the following 12752
applies: 12753

(a) The child is in the legal or permanent custody of a 12754
government agency or a person other than the child's natural or 12755
adoptive parent. 12756

(b) The child resides in a home. 12757

(c) The child requires special education. 12758

(3) A child who is not entitled under division (B)(2) of this 12759
section to be admitted to the schools of the district where the 12760

child resides and who is residing with a resident of this state 12761
with whom the child has been placed for adoption shall be admitted 12762
to the schools of the district where the child resides unless 12763
either of the following applies: 12764

(a) The placement for adoption has been terminated. 12765

(b) Another school district is required to admit the child 12766
under division (B)(1) of this section. 12767

Division (B) of this section does not prohibit the board of 12768
education of a school district from placing a handicapped child 12769
who resides in the district in a special education program outside 12770
of the district or its schools in compliance with Chapter 3323. of 12771
the Revised Code. 12772

(C) A district shall not charge tuition for children admitted 12773
under division (B)(1) or (3) of this section. If the district 12774
admits a child under division (B)(2) of this section, tuition 12775
shall be paid to the district that admits the child as follows: 12776

(1) If the child receives special education in accordance 12777
with Chapter 3323. of the Revised Code, the school district of 12778
residence, as defined in section 3323.01 of the Revised Code, 12779
shall pay tuition ~~shall be paid~~ for the child in accordance with 12780
section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised 12781
Code regardless of who has custody of the child or whether the 12782
child resides in a home. 12783

(2) ~~Except~~ For a child that does not receive special 12784
education in accordance with Chapter 3323. of the Revised Code, 12785
except as otherwise provided in division (C)(2)(d) of this 12786
section, if the child is in the permanent or legal custody of a 12787
government agency or person other than the child's parent, tuition 12788
shall be paid by: 12789

(a) The district in which the child's parent resided at the 12790

time the court removed the child from home or at the time the 12791
court vested legal or permanent custody of the child in the person 12792
or government agency, whichever occurred first; 12793

(b) If the parent's residence at the time the court removed 12794
the child from home or placed the child in the legal or permanent 12795
custody of the person or government agency is unknown, tuition 12796
shall be paid by the district in which the child resided at the 12797
time the child was removed from home or placed in legal or 12798
permanent custody, whichever occurred first; 12799

(c) If a school district cannot be established under division 12800
(C)(2)(a) or (b) of this section, tuition shall be paid by the 12801
district determined as required by section 2151.357 of the Revised 12802
Code by the court at the time it vests custody of the child in the 12803
person or government agency; 12804

(d) If at the time the court removed the child from home or 12805
vested legal or permanent custody of the child in the person or 12806
government agency, whichever occurred first, one parent was in a 12807
residential or correctional facility or a juvenile residential 12808
placement and the other parent, if living and not in such a 12809
facility or placement, was not known to reside in this state, 12810
tuition shall be paid by the district determined under division 12811
(D) of section 3313.65 of the Revised Code as the district 12812
required to pay any tuition while the parent was in such facility 12813
or placement; 12814

(e) If the court has modified its order as to which district 12815
is responsible to bear the cost of educating the child pursuant to 12816
division (A)(2) of section 2151.357 of the Revised Code, the 12817
district determined to be responsible for that cost in the order 12818
so modified. 12819

(3) If the child is not in the permanent or legal custody of 12820
a government agency or person other than the child's parent and 12821

the child resides in a home, tuition shall be paid by one of the 12822
following: 12823

(a) The school district in which the child's parent resides; 12824

(b) If the child's parent is not a resident of this state, 12825
the home in which the child resides. 12826

(D) Tuition required to be paid under divisions (C)(2) and 12827
(3)(a) of this section shall be computed in accordance with 12828
section 3317.08 of the Revised Code. Tuition required to be paid 12829
under division (C)(3)(b) of this section shall be computed in 12830
accordance with section 3317.081 of the Revised Code. If a home 12831
fails to pay the tuition required by division (C)(3)(b) of this 12832
section, the board of education providing the education may 12833
recover in a civil action the tuition and the expenses incurred in 12834
prosecuting the action, including court costs and reasonable 12835
attorney's fees. If the prosecuting attorney or city director of 12836
law represents the board in such action, costs and reasonable 12837
attorney's fees awarded by the court, based upon the prosecuting 12838
attorney's, director's, or one of their designee's time spent 12839
preparing and presenting the case, shall be deposited in the 12840
county or city general fund. 12841

(E) A board of education may enroll a child free of any 12842
tuition obligation for a period not to exceed sixty days, on the 12843
sworn statement of an adult resident of the district that the 12844
resident has initiated legal proceedings for custody of the child. 12845

(F) In the case of any individual entitled to attend school 12846
under this division, no tuition shall be charged by the school 12847
district of attendance and no other school district shall be 12848
required to pay tuition for the individual's attendance. 12849
Notwithstanding division (B), (C), or (E) of this section: 12850

(1) All persons at least eighteen but under twenty-two years 12851
of age who live apart from their parents, support themselves by 12852

their own labor, and have not successfully completed the high 12853
school curriculum or the individualized education program 12854
developed for the person by the high school pursuant to section 12855
3323.08 of the Revised Code, are entitled to attend school in the 12856
district in which they reside. 12857

(2) Any child under eighteen years of age who is married is 12858
entitled to attend school in the child's district of residence. 12859

(3) A child is entitled to attend school in the district in 12860
which either of the child's parents is employed if the child has a 12861
medical condition that may require emergency medical attention. 12862
The parent of a child entitled to attend school under division 12863
(F)(3) of this section shall submit to the board of education of 12864
the district in which the parent is employed a statement from the 12865
child's physician certifying that the child's medical condition 12866
may require emergency medical attention. The statement shall be 12867
supported by such other evidence as the board may require. 12868

(4) Any child residing with a person other than the child's 12869
parent is entitled, for a period not to exceed twelve months, to 12870
attend school in the district in which that person resides if the 12871
child's parent files an affidavit with the superintendent of the 12872
district in which the person with whom the child is living resides 12873
stating all of the following: 12874

(a) That the parent is serving outside of the state in the 12875
armed services of the United States; 12876

(b) That the parent intends to reside in the district upon 12877
returning to this state; 12878

(c) The name and address of the person with whom the child is 12879
living while the parent is outside the state. 12880

(5) Any child under the age of twenty-two years who, after 12881
the death of a parent, resides in a school district other than the 12882

district in which the child attended school at the time of the 12883
parent's death is entitled to continue to attend school in the 12884
district in which the child attended school at the time of the 12885
parent's death for the remainder of the school year, subject to 12886
approval of that district board. 12887

(6) A child under the age of twenty-two years who resides 12888
with a parent who is having a new house built in a school district 12889
outside the district where the parent is residing is entitled to 12890
attend school for a period of time in the district where the new 12891
house is being built. In order to be entitled to such attendance, 12892
the parent shall provide the district superintendent with the 12893
following: 12894

(a) A sworn statement explaining the situation, revealing the 12895
location of the house being built, and stating the parent's 12896
intention to reside there upon its completion; 12897

(b) A statement from the builder confirming that a new house 12898
is being built for the parent and that the house is at the 12899
location indicated in the parent's statement. 12900

(7) A child under the age of twenty-two years residing with a 12901
parent who has a contract to purchase a house in a school district 12902
outside the district where the parent is residing and who is 12903
waiting upon the date of closing of the mortgage loan for the 12904
purchase of such house is entitled to attend school for a period 12905
of time in the district where the house is being purchased. In 12906
order to be entitled to such attendance, the parent shall provide 12907
the district superintendent with the following: 12908

(a) A sworn statement explaining the situation, revealing the 12909
location of the house being purchased, and stating the parent's 12910
intent to reside there; 12911

(b) A statement from a real estate broker or bank officer 12912
confirming that the parent has a contract to purchase the house, 12913

that the parent is waiting upon the date of closing of the 12914
mortgage loan, and that the house is at the location indicated in 12915
the parent's statement. 12916

The district superintendent shall establish a period of time 12917
not to exceed ninety days during which the child entitled to 12918
attend school under division (F)(6) or (7) of this section may 12919
attend without tuition obligation. A student attending a school 12920
under division (F)(6) or (7) of this section shall be eligible to 12921
participate in interscholastic athletics under the auspices of 12922
that school, provided the board of education of the school 12923
district where the student's parent resides, by a formal action, 12924
releases the student to participate in interscholastic athletics 12925
at the school where the student is attending, and provided the 12926
student receives any authorization required by a public agency or 12927
private organization of which the school district is a member 12928
exercising authority over interscholastic sports. 12929

(8) A child whose parent is a full-time employee of a city, 12930
local, or exempted village school district, or of an educational 12931
service center, may be admitted to the schools of the district 12932
where the child's parent is employed, or in the case of a child 12933
whose parent is employed by an educational service center, in the 12934
district that serves the location where the parent's job is 12935
primarily located, provided the district board of education 12936
establishes such an admission policy by resolution adopted by a 12937
majority of its members. Any such policy shall take effect on the 12938
first day of the school year and the effective date of any 12939
amendment or repeal may not be prior to the first day of the 12940
subsequent school year. The policy shall be uniformly applied to 12941
all such children and shall provide for the admission of any such 12942
child upon request of the parent. No child may be admitted under 12943
this policy after the first day of classes of any school year. 12944

(9) A child who is with the child's parent under the care of 12945

a shelter for victims of domestic violence, as defined in section 12946
3113.33 of the Revised Code, is entitled to attend school free in 12947
the district in which the child is with the child's parent, and no 12948
other school district shall be required to pay tuition for the 12949
child's attendance in that school district. 12950

The enrollment of a child in a school district under this 12951
division shall not be denied due to a delay in the school 12952
district's receipt of any records required under section 3313.672 12953
of the Revised Code or any other records required for enrollment. 12954
Any days of attendance and any credits earned by a child while 12955
enrolled in a school district under this division shall be 12956
transferred to and accepted by any school district in which the 12957
child subsequently enrolls. The state board of education shall 12958
adopt rules to ensure compliance with this division. 12959

(10) Any child under the age of twenty-two years whose parent 12960
has moved out of the school district after the commencement of 12961
classes in the child's senior year of high school is entitled, 12962
subject to the approval of that district board, to attend school 12963
in the district in which the child attended school at the time of 12964
the parental move for the remainder of the school year and for one 12965
additional semester or equivalent term. A district board may also 12966
adopt a policy specifying extenuating circumstances under which a 12967
student may continue to attend school under division (F)(10) of 12968
this section for an additional period of time in order to 12969
successfully complete the high school curriculum for the 12970
individualized education program developed for the student by the 12971
high school pursuant to section 3323.08 of the Revised Code. 12972

(11) As used in this division, "grandparent" means a parent 12973
of a parent of a child. A child under the age of twenty-two years 12974
who is in the custody of the child's parent, resides with a 12975
grandparent, and does not require special education is entitled to 12976
attend the schools of the district in which the child's 12977

grandparent resides, provided that, prior to such attendance in 12978
any school year, the board of education of the school district in 12979
which the child's grandparent resides and the board of education 12980
of the school district in which the child's parent resides enter 12981
into a written agreement specifying that good cause exists for 12982
such attendance, describing the nature of this good cause, and 12983
consenting to such attendance. 12984

In lieu of a consent form signed by a parent, a board of 12985
education may request the grandparent of a child attending school 12986
in the district in which the grandparent resides pursuant to 12987
division (F)(11) of this section to complete any consent form 12988
required by the district, including any authorization required by 12989
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 12990
Upon request, the grandparent shall complete any consent form 12991
required by the district. A school district shall not incur any 12992
liability solely because of its receipt of a consent form from a 12993
grandparent in lieu of a parent. 12994

Division (F)(11) of this section does not create, and shall 12995
not be construed as creating, a new cause of action or substantive 12996
legal right against a school district, a member of a board of 12997
education, or an employee of a school district. This section does 12998
not affect, and shall not be construed as affecting, any 12999
immunities from defenses to tort liability created or recognized 13000
by Chapter 2744. of the Revised Code for a school district, 13001
member, or employee. 13002

(12) A child under the age of twenty-two years is entitled to 13003
attend school in a school district other than the district in 13004
which the child is entitled to attend school under division (B), 13005
(C), or (E) of this section provided that, prior to such 13006
attendance in any school year, both of the following occur: 13007

(a) The superintendent of the district in which the child is 13008

entitled to attend school under division (B), (C), or (E) of this 13009
section contacts the superintendent of another district for 13010
purposes of this division; 13011

(b) The superintendents of both districts enter into a 13012
written agreement that consents to the attendance and specifies 13013
that the purpose of such attendance is to protect the student's 13014
physical or mental well-being or to deal with other extenuating 13015
circumstances deemed appropriate by the superintendents. 13016

While an agreement is in effect under this division for a 13017
student who is not receiving special education under Chapter 3323. 13018
of the Revised Code and notwithstanding Chapter 3327. of the 13019
Revised Code, the board of education of neither school district 13020
involved in the agreement is required to provide transportation 13021
for the student to and from the school where the student attends. 13022

A student attending a school of a district pursuant to this 13023
division shall be allowed to participate in all student 13024
activities, including interscholastic athletics, at the school 13025
where the student is attending on the same basis as any student 13026
who has always attended the schools of that district while of 13027
compulsory school age. 13028

(13) All school districts shall comply with the 13029
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 13030
seq., for the education of homeless children. Each city, local, 13031
and exempted village school district shall comply with the 13032
requirements of that act governing the provision of a free, 13033
appropriate public education, including public preschool, to each 13034
homeless child. 13035

When a child loses permanent housing and becomes a homeless 13036
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 13037
such a homeless person changes temporary living arrangements, the 13038
child's parent or guardian shall have the option of enrolling the 13039

child in either of the following: 13040

(a) The child's school of origin, as defined in 42 U.S.C.A. 13041
11432(g)(3)(C); 13042

(b) The school that is operated by the school district in 13043
which the shelter where the child currently resides is located and 13044
that serves the geographic area in which the shelter is located. 13045

(14) A child under the age of twenty-two years who resides 13046
with a person other than the child's parent is entitled to attend 13047
school in the school district in which that person resides if both 13048
of the following apply: 13049

(a) That person has been appointed, through a military power 13050
of attorney executed under section 574(a) of the "National Defense 13051
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 13052
U.S.C. 1044b, or through a comparable document necessary to 13053
complete a family care plan, as the parent's agent for the care, 13054
custody, and control of the child while the parent is on active 13055
duty as a member of the national guard or a reserve unit of the 13056
armed forces of the United States or because the parent is a 13057
member of the armed forces of the United States and is on a duty 13058
assignment away from the parent's residence. 13059

(b) The military power of attorney or comparable document 13060
includes at least the authority to enroll the child in school. 13061

The entitlement to attend school in the district in which the 13062
parent's agent under the military power of attorney or comparable 13063
document resides applies until the end of the school year in which 13064
the military power of attorney or comparable document expires. 13065

(G) A board of education, after approving admission, may 13066
waive tuition for students who will temporarily reside in the 13067
district and who are either of the following: 13068

(1) Residents or domiciliaries of a foreign nation who 13069

request admission as foreign exchange students; 13070

(2) Residents or domiciliaries of the United States but not 13071
of Ohio who request admission as participants in an exchange 13072
program operated by a student exchange organization. 13073

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 13074
3327.04, and 3327.06 of the Revised Code, a child may attend 13075
school or participate in a special education program in a school 13076
district other than in the district where the child is entitled to 13077
attend school under division (B) of this section. 13078

(I)(1) Notwithstanding anything to the contrary in this 13079
section or section 3313.65 of the Revised Code, a child under 13080
twenty-two years of age may attend school in the school district 13081
in which the child, at the end of the first full week of October 13082
of the school year, was entitled to attend school as otherwise 13083
provided under this section or section 3313.65 of the Revised 13084
Code, if at that time the child was enrolled in the schools of the 13085
district but since that time the child or the child's parent has 13086
relocated to a new address located outside of that school district 13087
and within the same county as the child's or parent's address 13088
immediately prior to the relocation. The child may continue to 13089
attend school in the district, and at the school to which the 13090
child was assigned at the end of the first full week of October of 13091
the current school year, for the balance of the school year. 13092
Division (I)(1) of this section applies only if both of the 13093
following conditions are satisfied: 13094

(a) The board of education of the school district in which 13095
the child was entitled to attend school at the end of the first 13096
full week in October and of the district to which the child or 13097
child's parent has relocated each has adopted a policy to enroll 13098
children described in division (I)(1) of this section. 13099

(b) The child's parent provides written notification of the 13100

relocation outside of the school district to the superintendent of 13101
each of the two school districts. 13102

(2) At the beginning of the school year following the school 13103
year in which the child or the child's parent relocated outside of 13104
the school district as described in division (I)(1) of this 13105
section, the child is not entitled to attend school in the school 13106
district under that division. 13107

(3) Any person or entity owing tuition to the school district 13108
on behalf of the child at the end of the first full week in 13109
October, as provided in division (C) of this section, shall 13110
continue to owe such tuition to the district for the child's 13111
attendance under division (I)(1) of this section for the lesser of 13112
the balance of the school year or the balance of the time that the 13113
child attends school in the district under division (I)(1) of this 13114
section. 13115

(4) A pupil who may attend school in the district under 13116
division (I)(1) of this section shall be entitled to 13117
transportation services pursuant to an agreement between the 13118
district and the district in which the child or child's parent has 13119
relocated unless the districts have not entered into such 13120
agreement, in which case the child shall be entitled to 13121
transportation services in the same manner as a pupil attending 13122
school in the district under interdistrict open enrollment as 13123
described in division (H) of section 3313.981 of the Revised Code, 13124
regardless of whether the district has adopted an open enrollment 13125
policy as described in division (B)(1)(b) or (c) of section 13126
3313.98 of the Revised Code. 13127

(J) This division does not apply to a child receiving special 13128
education. 13129

A school district required to pay tuition pursuant to 13130
division (C)(2) or (3) of this section or section 3313.65 of the 13131

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 13195
the student under division (E) of section 3317.03 of the Revised 13196
Code. The school shall report any such student's data verification 13197
code, as assigned pursuant to section 3301.0714 of the Revised 13198
Code, to the department of education to be added to the list 13199
maintained by the department under section 3314.26 of the Revised 13200
Code. 13201

(B) No school to which this section applies shall receive any 13202
state funds under Chapter 3317. of the Revised Code for any 13203
enrolled student whose data verification code appears on the list 13204
maintained by the department under section 3314.26 of the Revised 13205
Code. Notwithstanding any provision of the Revised Code to the 13206
contrary, the parent of any such student shall pay tuition to the 13207
school district that operates the school in an amount equal to the 13208
state funds the district otherwise would receive for that student, 13209
as determined by the department. A school to which this section 13210
applies may withdraw any student for whom the parent does not pay 13211
tuition as required by this division. 13212

Sec. 3313.813. (A) As used in this section: 13213

(1) "Outdoor education center" means a public or nonprofit 13214
private entity that provides to pupils enrolled in any public or 13215
chartered nonpublic elementary or secondary school an outdoor 13216
educational curriculum that the school considers to be part of its 13217
educational program. 13218

(2) "Outside-school-hours care center" has the meaning 13219
established in 7 C.F.R. 226.2. 13220

(B) The state board of education shall establish standards 13221
for a school lunch program, school breakfast program, child and 13222
adult care food program, special food service program for 13223
children, summer food service program for children, special milk 13224

program for children, food service equipment assistance program, 13225
and commodity distribution program established under the "National 13226
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 13227
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 13228
U.S.C. 1771, as amended. Any board of education of a school 13229
district, nonprofit private school, outdoor education center, 13230
child care institution, outside-school-hours care center, or 13231
summer camp desiring to participate in such a program or required 13232
to participate under this section shall, if eligible to 13233
participate under the "National School Lunch Act," as amended, or 13234
the "Child Nutrition Act of 1966," as amended, make application to 13235
the state board of education for assistance. The board shall 13236
administer the allocation and distribution of all state and 13237
federal funds for these programs. 13238

(C) The state board of education shall require the board of 13239
education of each school district ~~included under this division and~~ 13240
each chartered nonpublic school to establish and maintain a school 13241
breakfast ~~and~~, lunch, and summer food service program pursuant to 13242
the "National School Lunch Act" and the "Child Nutrition Act of 13243
1966~~7~~," as described in divisions (C)(1) to (5) of this section. 13244

(1) The state board shall require the board of education in 13245
each school district and each chartered nonpublic school to 13246
establish a breakfast program in every school where at least 13247
~~one-third~~ one-fifth of the pupils in the school are eligible under 13248
federal requirements for free breakfasts and to establish a lunch 13249
program in every school where at least ~~one-third~~ one-fifth of the 13250
pupils are eligible for free lunches. The board of education or 13251
chartered nonpublic school required to establish a breakfast 13252
program under this division may make a charge in accordance with 13253
federal requirements for each reduced price breakfast or paid 13254
breakfast to cover the cost incurred in providing that meal. 13255

(2) The state board shall require the board of education in 13256

each school district to establish a breakfast program in every school in which the parents of at least one-half of the children enrolled in the school have requested that the breakfast program be established. The board of education required to establish a program under this division may make a charge for each meal to cover all or part of the costs incurred in establishing such a program.

(3) The state board of education shall require the board of education in each school district to establish one of the following for summer intervention services described in division (D) of section 3301.0711 and section 3313.608 of the Revised Code and any other summer intervention program required by law:

(a) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966";

(b) An extension of the school lunch program pursuant to those acts;

(c) A summer food service program pursuant to those acts.

(4)(a) If the board of education of a school district determines that, for financial reasons, it cannot comply with division (C)(1) or (3) of this section, the district board may choose not to comply with either or both divisions, except as provided in division (C)(4)(b) of this section. The district board publicly shall communicate to the residents of the district, in the manner it determines appropriate, its decision not to comply.

(b) If a district board chooses not to comply with division (C)(1) of this section, the state board of education nevertheless shall require the district board to establish a breakfast program in every school where at least one-third of the pupils in the school are eligible under federal requirements for free breakfasts and to establish a lunch program in every school where at least

one-third of the pupils are eligible for free lunches. The 13288
district board may make a charge in accordance with federal 13289
requirements for each reduced price breakfast or paid breakfast to 13290
cover the cost incurred in providing that meal. 13291

(c) If a school district cannot for good cause comply with 13292
the requirements of division (C)(1) or (2) or (4)(b) of this 13293
section at the time the state board determines that a district is 13294
subject to these requirements, the state board of education shall 13295
grant a reasonable extension of time. Good cause for an extension 13296
of time shall include, but need not be limited to, economic 13297
impossibility of compliance with the requirements at the time the 13298
state board determines that a district is subject to them. 13299

(5) If the governing authority of a chartered nonpublic 13300
school determines that it cannot comply with division (C)(1) of 13301
this section for financial reasons, the governing authority may 13302
choose not to comply. In that case, the governing authority shall 13303
communicate to the parents of its students, in the manner it 13304
determines appropriate, its decision not to comply. 13305

(D)(1) The state board of education shall accept the 13306
application of any outdoor education center in the state making 13307
application for participation in a program pursuant to division 13308
(B) of this section. 13309

(2) For purposes of participation in any program pursuant to 13310
this section, the board shall certify any outdoor education center 13311
making application as an educational unit that is part of the 13312
educational system of the state, if the center: 13313

(a) Meets the definition of an outdoor education center; 13314

(b) Provides its outdoor education curriculum to pupils on an 13315
overnight basis so that pupils are in residence at the center for 13316
more than twenty-four consecutive hours; 13317

(c) Operates under public or nonprofit private ownership in a single building or complex of buildings. 13318
13319

(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program. 13320
13321
13322
13323

Sec. 3314.02. (A) As used in this chapter: 13324

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section. 13325
13326
13327
13328
13329

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 13330
13331
13332
13333

(3) "Challenged school district" means any of the following: 13334

(a) A school district that is part of the pilot project area; 13335

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 13336
13337
13338

(c) A big eight school district. 13339

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 13340
13341

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 13342
13343
13344
13345

(b) An average daily membership greater than twelve thousand, 13346

as reported pursuant to former division (A) of section 3317.03 of
the Revised Code. 13347
13348

(5) "New start-up school" means a community school other than 13349
one created by converting all or part of an existing public 13350
school, as designated in the school's contract pursuant to 13351
division (A)(17) of section 3314.03 of the Revised Code. 13352

(6) "Urban school district" means one of the state's 13353
twenty-one urban school districts as defined in division (O) of 13354
section 3317.02 of the Revised Code as that section existed prior 13355
to July 1, 1998. 13356

(7) "Internet- or computer-based community school" means a 13357
community school established under this chapter in which the 13358
enrolled students work primarily from their residences on 13359
assignments in nonclassroom-based learning opportunities provided 13360
via an internet- or other computer-based instructional method that 13361
does not rely on regular classroom instruction or via 13362
comprehensive instructional methods that include internet-based, 13363
other computer-based, and noncomputer-based learning 13364
opportunities. 13365

(B) Any person or group of individuals may initially propose 13366
under this division the conversion of all or a portion of a public 13367
school to a community school. The proposal shall be made to the 13368
board of education of the city, local, or exempted village school 13369
district in which the public school is proposed to be converted. 13370
Upon receipt of a proposal, a board may enter into a preliminary 13371
agreement with the person or group proposing the conversion of the 13372
public school, indicating the intention of the board of education 13373
to support the conversion to a community school. A proposing 13374
person or group that has a preliminary agreement under this 13375
division may proceed to finalize plans for the school, establish a 13376
governing authority for the school, and negotiate a contract with 13377

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;

(f) Any qualified tax-exempt entity under section 501(c)(3) 13409
of the Internal Revenue Code as long as all of the following 13410
conditions are satisfied: 13411

(i) The entity has been in operation for at least five years 13412
prior to applying to be a community school sponsor. 13413

(ii) The entity has assets of at least five hundred thousand 13414
dollars and a demonstrated record of financial responsibility. 13415

(iii) The department of education has determined that the 13416
entity is an education-oriented entity under division (B)(3) of 13417
section 3314.015 of the Revised Code and the entity has a 13418
demonstrated record of successful implementation of educational 13419
programs. 13420

(iv) The entity is not a community school. 13421

Any entity described in division (C)(1) of this section may 13422
enter into a preliminary agreement pursuant to division (C)(2) of 13423
this section with the proposing person or group. 13424

(2) A preliminary agreement indicates the intention of an 13425
entity described in division (C)(1) of this section to sponsor the 13426
community school. A proposing person or group that has such a 13427
preliminary agreement may proceed to finalize plans for the 13428
school, establish a governing authority as described in division 13429
(E) of this section for the school, and negotiate a contract with 13430
the entity. Provided the proposing person or group adheres to the 13431
preliminary agreement and all provisions of this chapter, the 13432
entity shall negotiate in good faith to enter into a contract in 13433
accordance with section 3314.03 of the Revised Code. 13434

(3) A new start-up school that is established in a school 13435
district while that district is either in a state of academic 13436
emergency or in a state of academic watch under section 3302.03 of 13437
the Revised Code may continue in existence once the school 13438

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. 13439
13440
13441

(4) A copy of every preliminary agreement entered into under 13442
this division shall be filed with the superintendent of public 13443
instruction. 13444

(D) A majority vote of the board of a sponsoring entity and a 13445
majority vote of the members of the governing authority of a 13446
community school shall be required to adopt a contract and convert 13447
the public school to a community school or establish the new 13448
start-up school. Beginning ~~on the effective date of this amendment~~ 13449
September 29, 2005, adoption of the contract shall occur not later 13450
than the fifteenth day of March, and signing of the contract shall 13451
occur not later than the fifteenth day of May, prior to the school 13452
year in which the school will open. The governing authority shall 13453
notify the department of education when the contract has been 13454
signed. Subject to sections 3314.013 and 3314.014 of the Revised 13455
Code, an unlimited number of community schools may be established 13456
in any school district provided that a contract is entered into 13457
for each community school pursuant to this chapter. 13458

(E) As used in this division, "immediate relatives" are 13459
limited to spouses, children, parents, grandparents, siblings, and 13460
in-laws. 13461

Each new start-up community school established under this 13462
chapter shall be under the direction of a governing authority 13463
which shall consist of a board of not less than five individuals 13464
who are not owners or employees, or immediate relatives of owners 13465
or employees, of any for-profit firm that operates or manages a 13466
school for the governing authority. 13467

No person shall serve on the governing authority or operate 13468
the community school under contract with the governing authority 13469

so long as the person owes the state any money or is in a dispute 13470
over whether the person owes the state any money concerning the 13471
operation of a community school that has closed. 13472

(F) Nothing in this chapter shall be construed to permit the 13473
establishment of a community school in more than one school 13474
district under the same contract. 13475

(G)(1) A new start-up school that is established prior to 13476
August 15, 2003, in an urban school district that is not also a 13477
big-eight school district may continue to operate after that date 13478
and the contract between the school's governing authority and the 13479
school's sponsor may be renewed, as provided under this chapter, 13480
after that date, but no additional new start-up schools may be 13481
established in such a district unless the district is a challenged 13482
school district as defined in this section as it exists on and 13483
after that date. 13484

(2) A community school that was established prior to June 29, 13485
1999, and is located in a county contiguous to the pilot project 13486
area and in a school district that is not a challenged school 13487
district may continue to operate after that date, provided the 13488
school complies with all provisions of this chapter. The contract 13489
between the school's governing authority and the school's sponsor 13490
may be renewed, but no additional start-up community school may be 13491
established in that district unless the district is a challenged 13492
school district. 13493

Sec. 3314.03. A copy of every contract entered into under 13494
this section shall be filed with the superintendent of public 13495
instruction. 13496

(A) Each contract entered into between a sponsor and the 13497
governing authority of a community school shall specify the 13498
following: 13499

(1) That the school shall be established as either of the following:	13500 13501
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	13502 13503
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	13504 13505
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	13506 13507 13508 13509
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	13510 13511 13512
(4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.	13513 13514 13515 13516 13517
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	13518 13519
(6)(a) Dismissal procedures;	13520
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	13521 13522 13523 13524 13525 13526
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	13527 13528
(8) Requirements for financial audits by the auditor of	13529

state. The contract shall require financial records of the school 13530
to be maintained in the same manner as are financial records of 13531
school districts, pursuant to rules of the auditor of state, and 13532
the audits shall be conducted in accordance with section 117.10 of 13533
the Revised Code. 13534

(9) The facilities to be used and their locations; 13535

(10) Qualifications of teachers, including a requirement that 13536
the school's classroom teachers be licensed in accordance with 13537
sections 3319.22 to 3319.31 of the Revised Code, except that a 13538
community school may engage noncertificated persons to teach up to 13539
twelve hours per week pursuant to section 3319.301 of the Revised 13540
Code; 13541

(11) That the school will comply with the following 13542
requirements: 13543

(a) The school will provide learning opportunities to a 13544
minimum of twenty-five students for a minimum of nine hundred 13545
twenty hours per school year; 13546

(b) The governing authority will purchase liability 13547
insurance, or otherwise provide for the potential liability of the 13548
school; 13549

(c) The school will be nonsectarian in its programs, 13550
admission policies, employment practices, and all other 13551
operations, and will not be operated by a sectarian school or 13552
religious institution; 13553

(d) The school will comply with sections 9.90, 9.91, 109.65, 13554
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 13555
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 13556
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 13557
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 13558
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 13559

3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 13560
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 13561
4123., 4141., and 4167. of the Revised Code as if it were a school 13562
district and will comply with section 3301.0714 of the Revised 13563
Code in the manner specified in section 3314.17 of the Revised 13564
Code; 13565

(e) The school shall comply with Chapter 102. ~~of the Revised~~ 13566
~~Code except that nothing in that chapter shall prohibit a member~~ 13567
~~of the school's governing board from also being an employee of the~~ 13568
~~school and nothing in that chapter or and~~ section 2921.42 of the 13569
Revised Code shall prohibit a member of the school's governing 13570
board from having an interest in a contract into which the 13571
governing board enters that is not a contract with a for profit 13572
firm for the operation or management of a school under the 13573
auspices of the governing authority; 13574

(f) The school will comply with sections 3313.61, 3313.611, 13575
and 3313.614 of the Revised Code, except that the requirement in 13576
sections 3313.61 and 3313.611 of the Revised Code that a person 13577
must successfully complete the curriculum in any high school prior 13578
to receiving a high school diploma may be met by completing the 13579
curriculum adopted by the governing authority of the community 13580
school rather than the curriculum specified in Title XXXIII of the 13581
Revised Code or any rules of the state board of education; 13582

(g) The school governing authority will submit within four 13583
months after the end of each school year a report of its 13584
activities and progress in meeting the goals and standards of 13585
divisions (A)(3) and (4) of this section and its financial status 13586
to the sponsor, the parents of all students enrolled in the 13587
school, and the legislative office of education oversight. The 13588
school will collect and provide any data that the legislative 13589
office of education oversight requests in furtherance of any study 13590
or research that the general assembly requires the office to 13591

conduct, including the studies required under Section 50.39 of Am. 13592
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 13593
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 13594

(12) Arrangements for providing health and other benefits to 13595
employees; 13596

(13) The length of the contract, which shall begin at the 13597
beginning of an academic year. No contract shall exceed five years 13598
unless such contract has been renewed pursuant to division (E) of 13599
this section. 13600

(14) The governing authority of the school, which shall be 13601
responsible for carrying out the provisions of the contract; 13602

(15) A financial plan detailing an estimated school budget 13603
for each year of the period of the contract and specifying the 13604
total estimated per pupil expenditure amount for each such year. 13605
The plan shall specify for each year the base formula amount that 13606
will be used for purposes of funding calculations under section 13607
3314.08 of the Revised Code. This base formula amount for any year 13608
shall not exceed the formula amount defined under section 3317.02 13609
of the Revised Code. The plan may also specify for any year a 13610
percentage figure to be used for reducing the per pupil amount of 13611
the subsidy calculated pursuant to section 3317.029 of the Revised 13612
Code the school is to receive that year under section 3314.08 of 13613
the Revised Code. 13614

(16) Requirements and procedures regarding the disposition of 13615
employees of the school in the event the contract is terminated or 13616
not renewed pursuant to section 3314.07 of the Revised Code; 13617

(17) Whether the school is to be created by converting all or 13618
part of an existing public school or is to be a new start-up 13619
school, and if it is a converted public school, specification of 13620
any duties or responsibilities of an employer that the board of 13621
education that operated the school before conversion is delegating 13622

to the governing board of the community school with respect to all 13623
or any specified group of employees provided the delegation is not 13624
prohibited by a collective bargaining agreement applicable to such 13625
employees; 13626

(18) Provisions establishing procedures for resolving 13627
disputes or differences of opinion between the sponsor and the 13628
governing authority of the community school; 13629

(19) A provision requiring the governing authority to adopt a 13630
policy regarding the admission of students who reside outside the 13631
district in which the school is located. That policy shall comply 13632
with the admissions procedures specified in sections 3314.06 and 13633
3314.061 of the Revised Code and, at the sole discretion of the 13634
authority, shall do one of the following: 13635

(a) Prohibit the enrollment of students who reside outside 13636
the district in which the school is located; 13637

(b) Permit the enrollment of students who reside in districts 13638
adjacent to the district in which the school is located; 13639

(c) Permit the enrollment of students who reside in any other 13640
district in the state. 13641

(20) A provision recognizing the authority of the department 13642
of education to take over the sponsorship of the school in 13643
accordance with the provisions of division (C) of section 3314.015 13644
of the Revised Code; 13645

(21) A provision recognizing the sponsor's authority to 13646
assume the operation of a school under the conditions specified in 13647
division (B) of section 3314.073 of the Revised Code; 13648

(22) A provision recognizing both of the following: 13649

(a) The authority of public health and safety officials to 13650
inspect the facilities of the school and to order the facilities 13651
closed if those officials find that the facilities are not in 13652

compliance with health and safety laws and regulations; 13653

(b) The authority of the department of education as the 13654
community school oversight body to suspend the operation of the 13655
school under section 3314.072 of the Revised Code if the 13656
department has evidence of conditions or violations of law at the 13657
school that pose an imminent danger to the health and safety of 13658
the school's students and employees and the sponsor refuses to 13659
take such action; 13660

(23) A description of the learning opportunities that will be 13661
offered to students including both classroom-based and 13662
non-classroom-based learning opportunities that is in compliance 13663
with criteria for student participation established by the 13664
department under division (L)(2) of section 3314.08 of the Revised 13665
Code; 13666

(24) The school will comply with section 3302.04 of the 13667
Revised Code, including division (E) of that section to the extent 13668
possible, except that any action required to be taken by a school 13669
district pursuant to that section shall be taken by the sponsor of 13670
the school. However, the sponsor shall not be required to take any 13671
action described in division (F) of that section. 13672

(25) Beginning in the 2006-2007 school year, the school will 13673
open for operation not later than the thirtieth day of September 13674
each school year, unless the mission of the school as specified 13675
under division (A)(2) of this section is solely to serve dropouts. 13676
In its initial year of operation, if the school fails to open by 13677
the thirtieth day of September, or within one year after the 13678
adoption of the contract pursuant to division (D) of section 13679
3314.02 of the Revised Code if the mission of the school is solely 13680
to serve dropouts, the contract shall be void. 13681

(B) The community school shall also submit to the sponsor a 13682
comprehensive plan for the school. The plan shall specify the 13683

following:	13684
(1) The process by which the governing authority of the school will be selected in the future;	13685 13686
(2) The management and administration of the school;	13687
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	13688 13689 13690 13691
(4) The instructional program and educational philosophy of the school;	13692 13693
(5) Internal financial controls.	13694
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	13695 13696 13697 13698 13699 13700 13701 13702 13703
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	13704 13705 13706 13707 13708
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	13709 13710
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	13711 13712 13713

(3) Report on an annual basis the results of the evaluation 13714
conducted under division (D)(2) of this section to the department 13715
of education and to the parents of students enrolled in the 13716
community school; 13717

(4) Provide technical assistance to the community school in 13718
complying with laws applicable to the school and terms of the 13719
contract; 13720

(5) Take steps to intervene in the school's operation to 13721
correct problems in the school's overall performance, declare the 13722
school to be on probationary status pursuant to section 3314.073 13723
of the Revised Code, suspend the operation of the school pursuant 13724
to section 3314.072 of the Revised Code, or terminate the contract 13725
of the school pursuant to section 3314.07 of the Revised Code as 13726
determined necessary by the sponsor; 13727

(6) Have in place a plan of action to be undertaken in the 13728
event the community school experiences financial difficulties or 13729
closes prior to the end of a school year. 13730

(E) Upon the expiration of a contract entered into under this 13731
section, the sponsor of a community school may, with the approval 13732
of the governing authority of the school, renew that contract for 13733
a period of time determined by the sponsor, but not ending earlier 13734
than the end of any school year, if the sponsor finds that the 13735
school's compliance with applicable laws and terms of the contract 13736
and the school's progress in meeting the academic goals prescribed 13737
in the contract have been satisfactory. Any contract that is 13738
renewed under this division remains subject to the provisions of 13739
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 13740

(F) If a community school fails to open for operation within 13741
one year after the contract entered into under this section is 13742
adopted pursuant to division (D) of section 3314.02 of the Revised 13743
Code or permanently closes prior to the expiration of the 13744

contract, the contract shall be void and the school shall not
enter into a contract with any other sponsor. A school shall not
be considered permanently closed because the operations of the
school have been suspended pursuant to section 3314.072 of the
Revised Code. Any contract that becomes void under this division
shall not count toward any statewide limit on the number of such
contracts prescribed by section 3314.013 of the Revised Code.

Sec. 3314.08. (A) As used in this section: 13752

(1) "Base formula amount" means the amount specified as such
in a community school's financial plan for a school year pursuant
to division (A)(15) of section 3314.03 of the Revised Code. 13753
13754
13755

(2) "Cost-of-doing-business factor" has the same meaning as
in section 3317.02 of the Revised Code. 13756
13757

(3) "IEP" means an individualized education program as
defined in section 3323.01 of the Revised Code. 13758
13759

(4) "Applicable special education weight" means the multiple
specified in section 3317.013 of the Revised Code for a handicap
described in that section. 13760
13761
13762

(5) "Applicable vocational education weight" means: 13763

(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; 13764
13765
13766

(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. 13767
13768
13769

(6) "Entitled to attend school" means entitled to attend
school in a district under section 3313.64 or 3313.65 of the
Revised Code. 13770
13771
13772

(7) A community school student is "included in the poverty 13773

student count" of a school district if the student is entitled to 13774
attend school in the district and the student's family receives 13775
assistance under the Ohio works first program. 13776

(8) "Poverty-based assistance reduction factor" means the 13777
percentage figure, if any, for reducing the per pupil amount of 13778
poverty-based assistance a community school is entitled to receive 13779
pursuant to divisions (D)(5) and (6) of this section in any year, 13780
as specified in the school's financial plan for the year pursuant 13781
to division (A)(15) of section 3314.03 of the Revised Code. 13782

(9) "All-day kindergarten" has the same meaning as in section 13783
3317.029 of the Revised Code. 13784

(10) "SF-3 payment" means the sum of the payments to a school 13785
district in a fiscal year under divisions (A), (C)(1), (C)(4), 13786
(D), (E), and (F) of section 3317.022, divisions ~~(J)~~(G), ~~(P)~~(L), 13787
and ~~(R)~~(N) of section 3317.024, and sections 3317.029, 3317.0216, 13788
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised 13789
Code after making the adjustments required by sections 3313.981 13790
and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N), 13791
and (O) of section 3317.023, and division (C) of section 3317.20 13792
of the Revised Code. 13793

(B) The state board of education shall adopt rules requiring 13794
both of the following: 13795

(1) The board of education of each city, exempted village, 13796
and local school district to annually report the number of 13797
students entitled to attend school in the district who are 13798
enrolled in grades one through twelve in a community school 13799
established under this chapter, the number of students entitled to 13800
attend school in the district who are enrolled in kindergarten in 13801
a community school, the number of those kindergartners who are 13802
enrolled in all-day kindergarten in their community school, and 13803
for each child, the community school in which the child is 13804

enrolled.	13805
(2) The governing authority of each community school established under this chapter to annually report all of the following:	13806 13807 13808
(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;	13809 13810 13811 13812
(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;	13813 13814 13815 13816
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a handicap described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	13817 13818 13819 13820
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	13821 13822 13823 13824 13825
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;	13826 13827 13828 13829 13830 13831 13832 13833 13834 13835

(f) The number of enrolled preschool handicapped students	13836
receiving special education services in a state-funded unit;	13837
(g) The community school's base formula amount;	13838
(h) For each student, the city, exempted village, or local	13839
school district in which the student is entitled to attend school;	13840
(i) Any poverty-based assistance reduction factor that	13841
applies to a school year.	13842
(C) From the SF-3 payment made to a city, exempted village,	13843
or local school district and, if necessary, from the payment made	13844
to the district under sections 321.24 and 323.156 of the Revised	13845
Code, the department of education shall annually subtract the sum	13846
of the amounts described in divisions (C)(1) to (9) of this	13847
section. However, when deducting payments on behalf of students	13848
enrolled in internet- or computer-based community schools, the	13849
department shall deduct only those amounts described in divisions	13850
(C)(1) and (2) of this section. Furthermore, the aggregate amount	13851
deducted under this division shall not exceed the sum of the	13852
district's SF-3 payment and its payment under sections 321.24 and	13853
323.156 of the Revised Code.	13854
(1) An amount equal to the sum of the amounts obtained when,	13855
for each community school where the district's students are	13856
enrolled, the number of the district's students reported under	13857
divisions (B)(2)(a), (b), and (e) of this section who are enrolled	13858
in grades one through twelve, and one-half the number of students	13859
reported under those divisions who are enrolled in kindergarten,	13860
in that community school is multiplied by the greater of the	13861
following:	13862
(a) The fiscal year 2005 base formula amount of that	13863
community school as adjusted by the school district's fiscal year	13864
2005 cost-of-doing-business factor;	13865

(b) The sum of (the current base formula amount of that 13866
community school times the school district's current 13867
cost-of-doing-business factor) plus the per pupil amount of the 13868
base funding supplements specified in divisions (C)(1) to (4) of 13869
section 3317.012 of the Revised Code. 13870

(2) The sum of the amounts calculated under divisions 13871
(C)(2)(a) and (b) of this section: 13872

(a) For each of the district's students reported under 13873
division (B)(2)(c) of this section as enrolled in a community 13874
school in grades one through twelve and receiving special 13875
education and related services pursuant to an IEP for a handicap 13876
described in section 3317.013 of the Revised Code, the product of 13877
the applicable special education weight times the community 13878
school's base formula amount; 13879

(b) For each of the district's students reported under 13880
division (B)(2)(c) of this section as enrolled in kindergarten in 13881
a community school and receiving special education and related 13882
services pursuant to an IEP for a handicap described in section 13883
3317.013 of the Revised Code, one-half of the amount calculated as 13884
prescribed in division (C)(2)(a) of this section. 13885

(3) For each of the district's students reported under 13886
division (B)(2)(d) of this section for whom payment is made under 13887
division (D)(4) of this section, the amount of that payment; 13888

(4) An amount equal to the sum of the amounts obtained when, 13889
for each community school where the district's students are 13890
enrolled, the number of the district's students enrolled in that 13891
community school who are included in the district's poverty 13892
student count is multiplied by the per pupil amount of 13893
poverty-based assistance the school district receives that year 13894
pursuant to division (B) or (C) of section 3317.029 of the Revised 13895
Code, as adjusted by any poverty-based assistance reduction factor 13896

of that community school. If the district receives poverty-based 13897
assistance under division (B) of that section, the per pupil 13898
amount of that aid is the quotient of the amount the district 13899
received under that division divided by the district's poverty 13900
student count, as defined in that section. If the district 13901
receives poverty-based assistance under division (C) of section 13902
3317.029 of the Revised Code, the per pupil amount of that aid for 13903
the district shall be calculated by the department. 13904

(5) An amount equal to the sum of the amounts obtained when, 13905
for each community school where the district's students are 13906
enrolled, the district's per pupil amount of aid received under 13907
division (E) of section 3317.029 of the Revised Code, as adjusted 13908
by any poverty-based assistance reduction factor of the community 13909
school, is multiplied by the sum of the following: 13910

(a) The number of the district's students reported under 13911
division (B)(2)(a) of this section who are enrolled in grades one 13912
to three in that community school and who are not receiving 13913
special education and related services pursuant to an IEP; 13914

(b) One-half of the district's students who are enrolled in 13915
all-day or any other kindergarten class in that community school 13916
and who are not receiving special education and related services 13917
pursuant to an IEP; 13918

(c) One-half of the district's students who are enrolled in 13919
all-day kindergarten in that community school and who are not 13920
receiving special education and related services pursuant to an 13921
IEP. 13922

The district's per pupil amount of aid under division (E) of 13923
section 3317.029 of the Revised Code is the quotient of the amount 13924
the district received under that division divided by the 13925
district's kindergarten through third grade ADM, as defined in 13926
that section. 13927

(6) An amount equal to the sum of the amounts obtained when, 13928
for each community school where the district's students are 13929
enrolled, the district's per pupil amount received under division 13930
(F) of section 3317.029 of the Revised Code, as adjusted by any 13931
poverty-based assistance reduction factor of that community 13932
school, is multiplied by the number of the district's students 13933
enrolled in the community school who are identified as 13934
limited-English proficient. 13935

(7) An amount equal to the sum of the amounts obtained when, 13936
for each community school where the district's students are 13937
enrolled, the district's per pupil amount received under division 13938
(G) of section 3317.029 of the Revised Code, as adjusted by any 13939
poverty-based assistance reduction factor of that community 13940
school, is multiplied by the sum of the following: 13941

(a) The number of the district's students enrolled in grades 13942
one through twelve in that community school; 13943

(b) One-half of the number of the district's students 13944
enrolled in kindergarten in that community school. 13945

The district's per pupil amount under division (G) of section 13946
3317.029 of the Revised Code is the district's amount per teacher 13947
calculated under division (G)(1) or (2) of that section divided by 13948
17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in 13949
fiscal year 2007. 13950

(8) An amount equal to the sum of the amounts obtained when, 13951
for each community school where the district's students are 13952
enrolled, the district's per pupil amount received under divisions 13953
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 13954
by any poverty-based assistance reduction factor of that community 13955
school, is multiplied by the sum of the following: 13956

(a) The number of the district's students enrolled in grades 13957
one through twelve in that community school; 13958

(b) One-half of the number of the district's students 13959
enrolled in kindergarten in that community school. 13960

The district's per pupil amount under divisions (H) and (I) 13961
of section 3317.029 of the Revised Code is the amount calculated 13962
under each division divided by the district's formula ADM, as 13963
defined in section 3317.02 of the Revised Code. 13964

(9) An amount equal to the per pupil state parity aid funding 13965
calculated for the school district under either division (C) or 13966
(D) of section 3317.0217 of the Revised Code multiplied by the sum 13967
of the number of students in grades one through twelve, and 13968
one-half of the number of students in kindergarten, who are 13969
entitled to attend school in the district and are enrolled in a 13970
community school as reported under division (B)(1) of this 13971
section. 13972

(D) The department shall annually pay to a community school 13973
established under this chapter the sum of the amounts described in 13974
divisions (D)(1) to (10) of this section. However, the department 13975
shall calculate and pay to each internet- or computer-based 13976
community school only the amounts described in divisions (D)(1) to 13977
(3) of this section. Furthermore, the sum of the payments to all 13978
community schools under divisions (D)(1), (2), and (4) to (10) of 13979
this section for the students entitled to attend school in any 13980
particular school district shall not exceed the sum of that 13981
district's SF-3 payment and its payment under sections 321.24 and 13982
323.156 of the Revised Code. If the sum of the payments calculated 13983
under those divisions for the students entitled to attend school 13984
in a particular school district exceeds the sum of that district's 13985
SF-3 payment and its payment under sections 321.24 and 323.156 of 13986
the Revised Code, the department shall calculate and apply a 13987
proration factor to the payments to all community schools under 13988
those divisions for the students entitled to attend school in that 13989
district. 13990

(1) Subject to section 3314.085 of the Revised Code, an amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one-half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (e) of this section who are not receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code is multiplied by the greater of the following:

(a) The community school's fiscal year 2005 base formula amount, as adjusted by the fiscal year 2005 cost-of-doing-business factor of the school district in which the student is entitled to attend school;

(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.

(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:

(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;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(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:

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 community school's base formula amount);

(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.

(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.

(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education

programs or classes. 14054

(5) An amount equal to the sum of the amounts obtained when, 14055
for each school district where the community school's students are 14056
entitled to attend school, the number of that district's students 14057
enrolled in the community school who are included in the 14058
district's poverty student count is multiplied by the per pupil 14059
amount of poverty-based assistance that school district receives 14060
that year pursuant to division (B) or (C) of section 3317.029 of 14061
the Revised Code, as adjusted by any poverty-based assistance 14062
reduction factor of the community school. The per pupil amount of 14063
aid shall be determined as described in division (C)(4) of this 14064
section. 14065

(6) An amount equal to the sum of the amounts obtained when, 14066
for each school district where the community school's students are 14067
entitled to attend school, the district's per pupil amount of aid 14068
received under division (E) of section 3317.029 of the Revised 14069
Code, as adjusted by any poverty-based assistance reduction factor 14070
of the community school, is multiplied by the sum of the 14071
following: 14072

(a) The number of the district's students reported under 14073
division (B)(2)(a) of this section who are enrolled in grades one 14074
to three in that community school and who are not receiving 14075
special education and related services pursuant to an IEP; 14076

(b) One-half of the district's students who are enrolled in 14077
all-day or any other kindergarten class in that community school 14078
and who are not receiving special education and related services 14079
pursuant to an IEP; 14080

(c) One-half of the district's students who are enrolled in 14081
all-day kindergarten in that community school and who are not 14082
receiving special education and related services pursuant to an 14083
IEP. 14084

The district's per pupil amount of aid under division (E) of 14085
section 3317.029 of the Revised Code shall be determined as 14086
described in division (C)(5) of this section. 14087

(7) An amount equal to the sum of the amounts obtained when, 14088
for each school district where the community school's students are 14089
entitled to attend school, the number of that district's students 14090
enrolled in the community school who are identified as 14091
limited-English proficient is multiplied by the district's per 14092
pupil amount received under division (F) of section 3317.029 of 14093
the Revised Code, as adjusted by any poverty-based assistance 14094
reduction factor of the community school. 14095

(8) An amount equal to the sum of the amounts obtained when, 14096
for each school district where the community school's students are 14097
entitled to attend school, the district's per pupil amount 14098
received under division (G) of section 3317.029 of the Revised 14099
Code, as adjusted by any poverty-based assistance reduction factor 14100
of the community school, is multiplied by the sum of the 14101
following: 14102

(a) The number of the district's students enrolled in grades 14103
one through twelve in that community school; 14104

(b) One-half of the number of the district's students 14105
enrolled in kindergarten in that community school. 14106

The district's per pupil amount under division (G) of section 14107
3317.029 of the Revised Code shall be determined as described in 14108
division (C)(7) of this section. 14109

(9) An amount equal to the sum of the amounts obtained when, 14110
for each school district where the community school's students are 14111
entitled to attend school, the district's per pupil amount 14112
received under divisions (H) and (I) of section 3317.029 of the 14113
Revised Code, as adjusted by any poverty-based assistance 14114
reduction factor of the community school, is multiplied by the sum 14115

of the following: 14116

(a) The number of the district's students enrolled in grades 14117
one through twelve in that community school; 14118

(b) One-half of the number of the district's students 14119
enrolled in kindergarten in that community school. 14120

The district's per pupil amount under divisions (H) and (I) 14121
of section 3317.029 of the Revised Code shall be determined as 14122
described in division (C)(8) of this section. 14123

(10) An amount equal to the sum of the amounts obtained when, 14124
for each school district where the community school's students are 14125
entitled to attend school, the district's per pupil amount of 14126
state parity aid funding calculated under either division (C) or 14127
(D) of section 3317.0217 of the Revised Code is multiplied by the 14128
sum of the number of that district's students enrolled in grades 14129
one through twelve, and one-half of the number of that district's 14130
students enrolled in kindergarten, in the community school as 14131
reported under division (B)(2)(a) and (b) of this section. 14132

(E)(1) If a community school's costs for a fiscal year for a 14133
student receiving special education and related services pursuant 14134
to an IEP for a handicap described in divisions (B) to (F) of 14135
section 3317.013 of the Revised Code exceed the threshold 14136
catastrophic cost for serving the student as specified in division 14137
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 14138
submit to the superintendent of public instruction documentation, 14139
as prescribed by the superintendent, of all its costs for that 14140
student. Upon submission of documentation for a student of the 14141
type and in the manner prescribed, the department shall pay to the 14142
community school an amount equal to the school's costs for the 14143
student in excess of the threshold catastrophic costs. 14144

(2) The community school shall only report under division 14145
(E)(1) of this section, and the department shall only pay for, the 14146

costs of educational expenses and the related services provided to 14147
the student in accordance with the student's individualized 14148
education program. Any legal fees, court costs, or other costs 14149
associated with any cause of action relating to the student may 14150
not be included in the amount. 14151

(F) A community school may apply to the department of 14152
education for preschool handicapped or gifted unit funding the 14153
school would receive if it were a school district. Upon request of 14154
its governing authority, a community school that received unit 14155
funding as a school district-operated school before it became a 14156
community school shall retain any units awarded to it as a school 14157
district-operated school provided the school continues to meet 14158
eligibility standards for the unit. 14159

A community school shall be considered a school district and 14160
its governing authority shall be considered a board of education 14161
for the purpose of applying to any state or federal agency for 14162
grants that a school district may receive under federal or state 14163
law or any appropriations act of the general assembly. The 14164
governing authority of a community school may apply to any private 14165
entity for additional funds. 14166

(G) A board of education sponsoring a community school may 14167
utilize local funds to make enhancement grants to the school or 14168
may agree, either as part of the contract or separately, to 14169
provide any specific services to the community school at no cost 14170
to the school. 14171

(H) A community school may not levy taxes or issue bonds 14172
secured by tax revenues. 14173

(I) No community school shall charge tuition for the 14174
enrollment of any student. 14175

(J)(1)(a) A community school may borrow money to pay any 14176
necessary and actual expenses of the school in anticipation of the 14177

receipt of any portion of the payments to be received by the 14178
school pursuant to division (D) of this section. The school may 14179
issue notes to evidence such borrowing. The proceeds of the notes 14180
shall be used only for the purposes for which the anticipated 14181
receipts may be lawfully expended by the school. 14182

(b) A school may also borrow money for a term not to exceed 14183
fifteen years for the purpose of acquiring facilities. 14184

(2) Except for any amount guaranteed under section 3318.50 of 14185
the Revised Code, the state is not liable for debt incurred by the 14186
governing authority of a community school. 14187

(K) For purposes of determining the number of students for 14188
which divisions (D)(5) and (6) of this section applies in any 14189
school year, a community school may submit to the department of 14190
job and family services, no later than the first day of March, a 14191
list of the students enrolled in the school. For each student on 14192
the list, the community school shall indicate the student's name, 14193
address, and date of birth and the school district where the 14194
student is entitled to attend school. Upon receipt of a list under 14195
this division, the department of job and family services shall 14196
determine, for each school district where one or more students on 14197
the list is entitled to attend school, the number of students 14198
residing in that school district who were included in the 14199
department's report under section 3317.10 of the Revised Code. The 14200
department shall make this determination on the basis of 14201
information readily available to it. Upon making this 14202
determination and no later than ninety days after submission of 14203
the list by the community school, the department shall report to 14204
the state department of education the number of students on the 14205
list who reside in each school district who were included in the 14206
department's report under section 3317.10 of the Revised Code. In 14207
complying with this division, the department of job and family 14208
services shall not report to the state department of education any 14209

personally identifiable information on any student. 14210

(L) The department of education shall adjust the amounts 14211
subtracted and paid under divisions (C) and (D) of this section to 14212
reflect any enrollment of students in community schools for less 14213
than the equivalent of a full school year. The state board of 14214
education within ninety days after April 8, 2003, shall adopt in 14215
accordance with Chapter 119. of the Revised Code rules governing 14216
the payments to community schools under this section including 14217
initial payments in a school year and adjustments and reductions 14218
made in subsequent periodic payments to community schools and 14219
corresponding deductions from school district accounts as provided 14220
under divisions (C) and (D) of this section. For purposes of this 14221
section: 14222

(1) A student shall be considered enrolled in the community 14223
school for any portion of the school year the student is 14224
participating at a college under Chapter 3365. of the Revised 14225
Code. 14226

(2) A student shall be considered to be enrolled in a 14227
community school during a school year for the period of time 14228
beginning on the later of the date on which the school both has 14229
received documentation of the student's enrollment from a parent 14230
and the student has commenced participation in learning 14231
opportunities as defined in the contract with the sponsor, or 14232
thirty days prior to the date on which the student is entered into 14233
the education management information system established under 14234
section 3301.0714 of the Revised Code. For purposes of applying 14235
this division to a community school student, "learning 14236
opportunities" shall be defined in the contract, which shall 14237
describe both classroom-based and non-classroom-based learning 14238
opportunities and shall be in compliance with criteria and 14239
documentation requirements for student participation which shall 14240
be established by the department. Any student's instruction time 14241

in non-classroom-based learning opportunities shall be certified 14242
by an employee of the community school. A student's enrollment 14243
shall be considered to cease on the date on which any of the 14244
following occur: 14245

(a) The community school receives documentation from a parent 14246
terminating enrollment of the student. 14247

(b) The community school is provided documentation of a 14248
student's enrollment in another public or private school. 14249

(c) The community school ceases to offer learning 14250
opportunities to the student pursuant to the terms of the contract 14251
with the sponsor or the operation of any provision of this 14252
chapter. 14253

(3) A student's percentage of full-time equivalency shall be 14254
considered to be the percentage the hours of learning opportunity 14255
offered to that student is of nine hundred and twenty hours. 14256
However, no internet- or computer-based community school shall be 14257
credited for any time a student spends participating in learning 14258
opportunities beyond ten hours within any period of twenty-four 14259
consecutive hours. 14260

(M) The department of education shall reduce the amounts paid 14261
under division (D) of this section to reflect payments made to 14262
colleges under division (B) of section 3365.07 of the Revised 14263
Code. 14264

(N)(1) No student shall be considered enrolled in any 14265
internet- or computer-based community school or, if applicable to 14266
the student, in any community school that is required to provide 14267
the student with a computer pursuant to division (C) of section 14268
3314.22 of the Revised Code, unless both of the following 14269
conditions are satisfied: 14270

(a) The student possesses or has been provided with all 14271

required hardware and software materials and all such materials 14272
are operational so that the student is capable of fully 14273
participating in the learning opportunities specified in the 14274
contract between the school and the school's sponsor as required 14275
by division (A)(23) of section 3314.03 of the Revised Code; 14276

(b) The school is in compliance with division (A)(1) or (2) 14277
of section 3314.22 of the Revised Code, relative to such student. 14278

(2) In accordance with policies adopted jointly by the 14279
superintendent of public instruction and the auditor of state, the 14280
department shall reduce the amounts otherwise payable under 14281
division (D) of this section to any community school that includes 14282
in its program the provision of computer hardware and software 14283
materials to any student, if such hardware and software materials 14284
have not been delivered, installed, and activated for each such 14285
student in a timely manner or other educational materials or 14286
services have not been provided according to the contract between 14287
the individual community school and its sponsor. 14288

The superintendent of public instruction and the auditor of 14289
state shall jointly establish a method for auditing any community 14290
school to which this division pertains to ensure compliance with 14291
this section. 14292

The superintendent, auditor of state, and the governor shall 14293
jointly make recommendations to the general assembly for 14294
legislative changes that may be required to assure fiscal and 14295
academic accountability for such schools. 14296

(O)(1) If the department determines that a review of a 14297
community school's enrollment is necessary, such review shall be 14298
completed and written notice of the findings shall be provided to 14299
the governing authority of the community school and its sponsor 14300
within ninety days of the end of the community school's fiscal 14301
year, unless extended for a period not to exceed thirty additional 14302

days for one of the following reasons: 14303

(a) The department and the community school mutually agree to 14304
the extension. 14305

(b) Delays in data submission caused by either a community 14306
school or its sponsor. 14307

(2) If the review results in a finding that additional 14308
funding is owed to the school, such payment shall be made within 14309
thirty days of the written notice. If the review results in a 14310
finding that the community school owes moneys to the state, the 14311
following procedure shall apply: 14312

(a) Within ten business days of the receipt of the notice of 14313
findings, the community school may appeal the department's 14314
determination to the state board of education or its designee. 14315

(b) The board or its designee shall conduct an informal 14316
hearing on the matter within thirty days of receipt of such an 14317
appeal and shall issue a decision within fifteen days of the 14318
conclusion of the hearing. 14319

(c) If the board has enlisted a designee to conduct the 14320
hearing, the designee shall certify its decision to the board. The 14321
board may accept the decision of the designee or may reject the 14322
decision of the designee and issue its own decision on the matter. 14323

(d) Any decision made by the board under this division is 14324
final. 14325

(3) If it is decided that the community school owes moneys to 14326
the state, the department shall deduct such amount from the 14327
school's future payments in accordance with guidelines issued by 14328
the superintendent of public instruction. 14329

(P) The department shall not subtract from a school 14330
district's state aid account under division (C) of this section 14331
and shall not pay to a community school under division (D) of this 14332

<u>section any amount for any of the following:</u>	14333
<u>(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;</u>	14334
<u>(2) Any student who is not a resident of the state;</u>	14335
<u>(3) Any student who is not a resident of the state;</u>	14336
<u>(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 tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.</u>	14337
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<u>(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, 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 that veteran.</u>	14347
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<u>Sec. 3314.18. (A) Subject to division (C) of this section, the governing board of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child</u>	14359
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Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 14363
if at least one-fifth of the pupils in the school are eligible 14364
under federal requirements for free breakfasts, and shall 14365
establish a lunch program pursuant to those acts if at least 14366
one-fifth of the pupils are eligible for free lunches. The 14367
governing board required to establish a breakfast program under 14368
this division may make a charge in accordance with federal 14369
requirements for each reduced price breakfast or paid breakfast to 14370
cover the cost incurred in providing that meal. 14371

(B) Subject to division (C) of this section, the governing 14372
board of each community school shall establish one of the 14373
following for summer intervention services described in division 14374
(D) of section 3301.0711 and section 3313.608 of the Revised Code 14375
and any other summer intervention program required by law: 14376

(1) An extension of the school breakfast program pursuant to 14377
the "National School Lunch Act" and the "Child Nutrition Act of 14378
1966"; 14379

(2) An extension of the school lunch program pursuant to 14380
those acts; 14381

(3) A summer food service program pursuant to those acts. 14382

(C) If the governing board of a community school determines 14383
that, for financial reasons, it cannot comply with division (A) or 14384
(B) of this section, the governing board may choose not to comply 14385
with either or both divisions. In that case, the governing board 14386
shall communicate to the parents of its students, in the manner it 14387
determines appropriate, its decision not to comply. 14388

(D) The governing board of each community school required to 14389
establish a school breakfast, school lunch, or summer food service 14390
program under this section shall apply for state and federal funds 14391
allocated by the state board of education under division (B) of 14392
section 3313.813 of the Revised Code and shall comply with the 14393

state board's standards adopted under that division. 14394

(E) This section does not apply to internet- or 14395
computer-based community schools. 14396

Sec. 3314.26. (A) Each internet- or computer-based community 14397
school shall withdraw from the school any student who, for two 14398
consecutive school years, has failed to participate in the spring 14399
administration of any test prescribed under section 3301.0710 or 14400
3301.0712 of the Revised Code for the student's grade level and 14401
was not excused from the test pursuant to division (C)(1) or (3) 14402
of section 3301.0711 of the Revised Code, regardless of whether a 14403
waiver was granted for the student under division (P)(3) of 14404
section 3314.08 of the Revised Code. The school shall report any 14405
such student's data verification code, as assigned pursuant to 14406
section 3301.0714 of the Revised Code, to the department of 14407
education. The department shall maintain a list of all data 14408
verification codes reported under this division and section 14409
3313.6410 of the Revised Code and provide that list to each 14410
internet- or computer-based community school and to each school to 14411
which section 3313.6410 of the Revised Code applies. 14412

(B) No internet- or computer-based community school shall 14413
receive any state funds under this chapter for any enrolled 14414
student whose data verification code appears on the list 14415
maintained by the department under division (A) of this section. 14416

Notwithstanding any provision of the ~~Revised~~ Revised Code to 14417
the contrary, the parent of any such student shall pay tuition to 14418
the internet- or computer-based community school in an amount 14419
equal to the state funds the school otherwise would receive for 14420
that student, as determined by the department. An internet- or 14421
computer-based community school may withdraw any student for whom 14422
the parent does not pay ~~tuition~~ tuition as required by this 14423
division. 14424

Sec. 3314.35. (A) This section applies to any community 14425
school established under this chapter that meets one or more of 14426
the following criteria: 14427

(1) The school is declared to be in need of continuous 14428
improvement, under an academic watch, or in a state of academic 14429
emergency pursuant to section 3302.03 of the Revised Code. 14430

(2) The school has not been in operation for at least two 14431
full school years. 14432

(3) The school does not offer any grade level for which an 14433
achievement test is prescribed under section 3301.0710 of the 14434
Revised Code or the number of students enrolled in each grade 14435
level offered by the school for which an achievement test is 14436
prescribed is too small to yield statistically reliable data about 14437
student performance, as determined by the department of education. 14438

(B) Beginning in the ~~2006-2007~~ 2007-2008 school year, each 14439
community school to which this section applies shall administer a 14440
reading and mathematics assessment approved by the department in 14441
the fall and spring of the school year to each student who is 14442
enrolled in any of grades one through twelve to measure the 14443
academic progress made by students during the school year. For 14444
each grade level, the community school shall administer the same 14445
assessment in the spring that the school administers in the fall. 14446

(C) Each community school that administers the assessments 14447
required by division (B) of this section shall be responsible for 14448
all costs associated with the administration and scoring of the 14449
assessments. Each community school shall report the scores of all 14450
students taking the assessments to the department in a manner 14451
prescribed by the department. 14452

(D) The department shall establish a list of nationally 14453
normed assessments in reading and mathematics that it approves for 14454

use by community schools under this section. The department may 14455
approve assessments in other subject areas, but no community 14456
school shall be required to administer an assessment in a subject 14457
area other than reading or mathematics under this section. 14458

(E) The sponsor of any community school to which this section 14459
does not apply may elect to have the school administer reading and 14460
mathematics assessments in accordance with this section. 14461

Sec. 3314.36. (A) Not later than July 1, ~~2006~~ 2007, the state 14462
board of education shall adopt rules establishing reasonable 14463
standards for expected gains in student achievement between the 14464
fall and spring administrations of the reading and mathematics 14465
assessments administered under section 3314.35 of the Revised Code 14466
and for expected gains in the graduation rate. 14467

(B) Any community school that is declared to be under an 14468
academic watch or in a state of academic emergency pursuant to 14469
section 3302.03 of the Revised Code after July 1, ~~2006~~ 2007, or to 14470
which division (A)(3) of section 3314.35 of the Revised Code 14471
applies shall be subject to division (C) of this section beginning 14472
the next school year if either of the following apply to the 14473
school: 14474

(1) The percentage of the school's total student population 14475
showing the expected gains in student achievement established 14476
under division (A) of this section on the reading or mathematics 14477
assessments administered most recently under section 3314.35 of 14478
the Revised Code is less than fifty-five per cent. 14479

(2) The school offers a high school diploma but is not 14480
showing the expected gains in the graduation rate established 14481
under division (A) of this section. 14482

A community school that has been in operation for one school 14483
year shall not be subject to division (C) of this section. 14484

(C)(1) In the first school year that a community school is 14485
subject to division (C) of this section, if the school is an 14486
internet- or computer-based community school, the school shall not 14487
enroll any students in excess of the number of students the school 14488
enrolled at the conclusion of the preceding school year. 14489

(2) In the second consecutive school year that a community 14490
school is subject to division (C) of this section, if the school 14491
is an internet- or computer-based community school, the school 14492
shall do both of the following: 14493

(a) Continue to comply with division (C)(1) of this section; 14494

(b) Withdraw from the school at the conclusion of the school 14495
year any student for whom any of the following conditions apply, 14496
unless the student's parent agrees to pay tuition to the school in 14497
an amount equal to the state funds the school otherwise would 14498
receive for that student as determined by the department of 14499
education: 14500

(i) For two consecutive school years, the student has taken 14501
the reading and mathematics assessments administered under section 14502
3314.35 of the Revised Code but has failed to show the expected 14503
gains in student achievement established under division (A) of 14504
this section for both reading and mathematics. 14505

(ii) For two consecutive school years, the student has not 14506
taken one or more of the reading and mathematics assessments 14507
described in division (C)(2)(b)(i) of this section. 14508

(iii) For one of two consecutive school years, the student 14509
took the reading and mathematics assessments described in division 14510
(C)(2)(b)(i) of this section but failed to show the expected gains 14511
in student achievement also described in that division for both 14512
reading and mathematics, and, for the other school year, the 14513
student did not take one or more of those assessments. 14514

After the conclusion of the school year, the school shall not receive state funds for any student who is required to be withdrawn or for whom tuition is owed under division (C)(2)(b) of this section.

(3) In the third consecutive school year that any community school is subject to division (C) of this section, the following shall apply:

(a) If the school is an internet- or computer-based community school, the school shall continue to comply with division (C)(1)(a) of this section.

(b) The school shall be permanently closed at the conclusion of the school year.

(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.

(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 14546
3314.35 of the Revised Code. If the school's participation rate 14547
for any grade level is less than ninety per cent, the department 14548
shall calculate the gains in academic achievement demonstrated by 14549
the students in that grade level as if the participation rate was 14550
ninety per cent by assuming a score of zero for each student that 14551
it is necessary to add to the participation rate to make that rate 14552
equal ninety per cent. 14553

Sec. 3315.01. (A) Except as provided in division (B) of this 14554
section and notwithstanding sections 3315.12 and 3315.14 of the 14555
Revised Code, the board of education of any school district may 14556
adopt a resolution requiring the treasurer of the district to 14557
credit the earnings made on the investment of the principal of the 14558
moneys specified in the resolution to the fund from which the 14559
earnings arose or any other fund of the district as the board 14560
specifies in its resolution. 14561

(B) This section does not apply to the earnings made on the 14562
investment of the bond retirement fund, the sinking fund, a 14563
project construction fund established pursuant to sections 3318.01 14564
to 3318.20 of the Revised Code, or the payments received by school 14565
districts pursuant to division ~~(H)~~(I) of section 3317.024 of the 14566
Revised Code. 14567

Sec. 3317.01. As used in this section and section 3317.011 of 14568
the Revised Code, "school district," unless otherwise specified, 14569
means any city, local, exempted village, joint vocational, or 14570
cooperative education school district and any educational service 14571
center. 14572

This chapter shall be administered by the state board of 14573
education. The superintendent of public instruction shall 14574
calculate the amounts payable to each school district and shall 14575

certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Annually, the department of education shall calculate and 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. 14607
The moneys appropriated for each fiscal year shall be distributed 14608
at least monthly to each school district unless otherwise provided 14609
for. The state board shall submit a yearly distribution plan to 14610
the controlling board at its first meeting in July. The state 14611
board shall submit any proposed midyear revision of the plan to 14612
the controlling board in January. Any year-end revision of the 14613
plan shall be submitted to the controlling board in June. If 14614
moneys appropriated for each fiscal year are distributed other 14615
than monthly, such distribution shall be on the same basis for 14616
each school district. 14617

The total amounts paid each month shall constitute, as nearly 14618
as possible, one-twelfth of the total amount payable for the 14619
entire year. 14620

Until fiscal year ~~2006~~ 2007, payments made during the first 14621
six months of the fiscal year may be based on an estimate of the 14622
amounts payable for the entire year. Payments made in the last six 14623
months shall be based on the final calculation of the amounts 14624
payable to each school district for that fiscal year. Payments 14625
made in the last six months may be adjusted, if necessary, to 14626
correct the amounts distributed in the first six months, and to 14627
reflect enrollment increases when such are at least three per 14628
cent. 14629

Beginning in fiscal year ~~2006~~ 2007, payments shall be 14630
calculated to reflect the biannual reporting of average daily 14631
membership. In fiscal year ~~2006~~ 2007 and in each fiscal year 14632
thereafter, payments for July through December shall be based on 14633
student counts certified pursuant to section 3317.03 of the 14634
Revised Code for the first full week in October, and payments for 14635
January through June shall be based on the average of student 14636
counts certified pursuant to that section for the first full week 14637
of the previous October and the ~~third~~ first full week in February. 14638

Except as otherwise provided, payments under this chapter 14639
shall be made only to those school districts in which: 14640

(A) The school district, except for any educational service 14641
center and any joint vocational or cooperative education school 14642
district, levies for current operating expenses at least twenty 14643
mills. Levies for joint vocational or cooperative education school 14644
districts or county school financing districts, limited to or to 14645
the extent apportioned to current expenses, shall be included in 14646
this qualification requirement. School district income tax levies 14647
under Chapter 5748. of the Revised Code, limited to or to the 14648
extent apportioned to current operating expenses, shall be 14649
included in this qualification requirement to the extent 14650
determined by the tax commissioner under division (D) of section 14651
3317.021 of the Revised Code. 14652

(B) The school year next preceding the fiscal year for which 14653
such payments are authorized meets the requirement of section 14654
3313.48 or 3313.481 of the Revised Code, with regard to the 14655
minimum number of days or hours school must be open for 14656
instruction with pupils in attendance, for individualized 14657
parent-teacher conference and reporting periods, and for 14658
professional meetings of teachers. This requirement shall be 14659
waived by the superintendent of public instruction if it had been 14660
necessary for a school to be closed because of disease epidemic, 14661
hazardous weather conditions, inoperability of school buses or 14662
other equipment necessary to the school's operation, damage to a 14663
school building, or other temporary circumstances due to utility 14664
failure rendering the school building unfit for school use, 14665
provided that for those school districts operating pursuant to 14666
section 3313.48 of the Revised Code the number of days the school 14667
was actually open for instruction with pupils in attendance and 14668
for individualized parent-teacher conference and reporting periods 14669
is not less than one hundred seventy-five, or for those school 14670

districts operating on a trimester plan the number of days the 14671
school was actually open for instruction with pupils in attendance 14672
not less than seventy-nine days in any trimester, for those school 14673
districts operating on a quarterly plan the number of days the 14674
school was actually open for instruction with pupils in attendance 14675
not less than fifty-nine days in any quarter, or for those school 14676
districts operating on a pentamester plan the number of days the 14677
school was actually open for instruction with pupils in attendance 14678
not less than forty-four days in any pentamester. 14679

A school district shall not be considered to have failed to 14680
comply with this division or section 3313.481 of the Revised Code 14681
because schools were open for instruction but either twelfth grade 14682
students were excused from attendance for up to three days or only 14683
a portion of the kindergarten students were in attendance for up 14684
to three days in order to allow for the gradual orientation to 14685
school of such students. 14686

The superintendent of public instruction shall waive the 14687
requirements of this section with reference to the minimum number 14688
of days or hours school must be in session with pupils in 14689
attendance for the school year succeeding the school year in which 14690
a board of education initiates a plan of operation pursuant to 14691
section 3313.481 of the Revised Code. The minimum requirements of 14692
this section shall again be applicable to such a district 14693
beginning with the school year commencing the second July 14694
succeeding the initiation of one such plan, and for each school 14695
year thereafter. 14696

A school district shall not be considered to have failed to 14697
comply with this division or section 3313.48 or 3313.481 of the 14698
Revised Code because schools were open for instruction but the 14699
length of the regularly scheduled school day, for any number of 14700
days during the school year, was reduced by not more than two 14701
hours due to hazardous weather conditions. 14702

(C) The school district has on file, and is paying in 14703
accordance with, a teachers' salary schedule which complies with 14704
section 3317.13 of the Revised Code. 14705

A board of education or governing board of an educational 14706
service center which has not conformed with other law and the 14707
rules pursuant thereto, shall not participate in the distribution 14708
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 14709
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 14710
and sufficient reason established to the satisfaction of the state 14711
board of education and the state controlling board. 14712

All funds allocated to school districts under this chapter, 14713
except those specifically allocated for other purposes, shall be 14714
used to pay current operating expenses only. 14715

Sec. 3317.015. (A) In addition to the information certified 14716
to the department of education under division (A) of section 14717
3317.021 of the Revised Code, the tax commissioner shall, at the 14718
same time, certify the following information for each city, 14719
exempted village, and local school district to be used for the 14720
same purposes as described under that division: 14721

(1) The taxable value of the school district's carryover 14722
property, as defined in section 319.301 of the Revised Code, for 14723
the preceding tax year; 14724

(2) The ~~school district's~~ increase in such carryover 14725
~~valuation value~~, if any, between the second preceding tax year and 14726
the preceding tax year as used in calculating the percentage 14727
reduction under section 319.301 of the Revised Code. 14728

(B) ~~In any~~ For each fiscal year the department of education 14729
shall calculate each school district's recognized valuation in the 14730
following manner: 14731

(1) For a school district located in a county in which a 14732

reappraisal or triennial update occurred in the preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus two-thirds times the increase in the carryover value from the second preceding tax year to the preceding tax year. 14733
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(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year. 14738
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(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. 14744
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Sec. 3317.02. As used in this chapter: 14748

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts. 14749
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(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code. 14751
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(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. 14754
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(D) "Formula ADM" means, for a city, local, or exempted 14762

village school district, the number reported pursuant to division 14763
(A) of section 3317.03 of the Revised Code, and for a joint 14764
vocational school district, the number reported pursuant to 14765
division (D) of section 3317.03 of the Revised Code. Beginning in 14766
fiscal year ~~2006~~ 2007, for payments in which formula ADM is a 14767
factor, for the months of July through December, formula ADM means 14768
the number reported in October of that year, and for the months of 14769
January through June, formula ADM means the average of the numbers 14770
reported in the previous October and in February. 14771

(E) "Three-year average formula ADM" means the average of 14772
formula ADMs for the current and preceding two fiscal years. 14773

(F)(1) "Category one special education ADM" means the average 14774
daily membership of handicapped children receiving special 14775
education services for the handicap specified in division (A) of 14776
section 3317.013 of the Revised Code and reported under division 14777
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 14778

(2) "Category two special education ADM" means the average 14779
daily membership of handicapped children receiving special 14780
education services for those handicaps specified in division (B) 14781
of section 3317.013 of the Revised Code and reported under 14782
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 14783
Code. 14784

(3) "Category three special education ADM" means the average 14785
daily membership of students receiving special education services 14786
for those handicaps specified in division (C) of section 3317.013 14787
of the Revised Code, and reported under division (B)(7) or 14788
(D)(2)(d) of section 3317.03 of the Revised Code. 14789

(4) "Category four special education ADM" means the average 14790
daily membership of students receiving special education services 14791
for those handicaps specified in division (D) of section 3317.013 14792
of the Revised Code and reported under division (B)(8) or 14793

(D)(2)(e) of section 3317.03 of the Revised Code. 14794

(5) "Category five special education ADM" means the average 14795
daily membership of students receiving special education services 14796
for the handicap specified in division (E) of section 3317.013 of 14797
the Revised Code and reported under division (B)(9) or (D)(2)(f) 14798
of section 3317.03 of the Revised Code. 14799

(6) "Category six special education ADM" means the average 14800
daily membership of students receiving special education services 14801
for the handicap specified in division (F) of section 3317.013 of 14802
the Revised Code and reported under division (B)(10) or (D)(2)(g) 14803
of section 3317.03 of the Revised Code. 14804

(7) "Category one vocational education ADM" means the average 14805
daily membership of students receiving vocational education 14806
services described in division (A) of section 3317.014 of the 14807
Revised Code and reported under division (B)(11) or (D)(2)(h) of 14808
section 3317.03 of the Revised Code. 14809

(8) "Category two vocational education ADM" means the average 14810
daily membership of students receiving vocational education 14811
services described in division (B) of section 3317.014 of the 14812
Revised Code and reported under division (B)(12) or (D)(2)(i) of 14813
section 3317.03 of the Revised Code. 14814

Beginning in fiscal year ~~2006~~ 2007, for payments in which 14815
category one through six special education ADM or category one or 14816
two vocational education ADM is a factor, for the months of July 14817
through December, those terms mean the numbers as described in 14818
division (F)(1) through (8) of this section, respectively, 14819
reported in October of that year, and for the months of January 14820
through June, those terms mean the average of the numbers as 14821
described in division (F)(1) through (8) of this section, 14822
respectively, reported in the previous October and in February. 14823

(G) "Handicapped preschool child" means a handicapped child, 14824

as defined in section 3323.01 of the Revised Code, who is at least 14825
age three but is not of compulsory school age, as defined in 14826
section 3321.01 of the Revised Code, and who is not currently 14827
enrolled in kindergarten. 14828

(H) "County MR/DD board" means a county board of mental 14829
retardation and developmental disabilities. 14830

(I) "Recognized valuation" means the amount calculated for a 14831
school district pursuant to section 3317.015 of the Revised Code. 14832

(J) "Transportation ADM" means the number of children 14833
reported under division (B)(13) of section 3317.03 of the Revised 14834
Code. 14835

(K) "Average efficient transportation use cost per student" 14836
means a statistical representation of transportation costs as 14837
calculated under division (D)(2) of section 3317.022 of the 14838
Revised Code. 14839

(L) "Taxes charged and payable" means the taxes charged and 14840
payable against real and public utility property after making the 14841
reduction required by section 319.301 of the Revised Code, plus 14842
the taxes levied against tangible personal property. 14843

(M) "Total taxable value" means the sum of the amounts 14844
certified for a city, local, exempted village, or joint vocational 14845
school district under divisions (A)(1) and (2) of section 3317.021 14846
of the Revised Code. 14847

(N) "Cost-of-doing-business factor" means the amount 14848
indicated in division (N)(1) or (2) of this section for the county 14849
in which a city, local, exempted village, or joint vocational 14850
school district is located. If a city, local, or exempted village 14851
school district is located in more than one county, the factor is 14852
the amount indicated for the county to which the district is 14853
assigned by the state department of education. If a joint 14854

vocational school district is located in more than one county, the 14855
factor is the amount indicated for the county in which the joint 14856
vocational school with the greatest formula ADM operated by the 14857
district is located. 14858

(1) In fiscal year 2006, the cost-of-doing-business factor 14859
for each county is: 14860

COST-OF-DOING-BUSINESS		14861
COUNTY	FACTOR AMOUNT	14862
Adams	1.00233	14863
Allen	1.01373	14864
Ashland	1.01980	14865
Ashtabula	1.02647	14866
Athens	1.00093	14867
Auglaize	1.01647	14868
Belmont	1.00427	14869
Brown	1.01180	14870
Butler	1.04307	14871
Carroll	1.00913	14872
Champaign	1.02973	14873
Clark	1.02980	14874
Clermont	1.03607	14875
Clinton	1.02193	14876
Columbiana	1.01427	14877
Coshocton	1.01153	14878
Crawford	1.01093	14879
Cuyahoga	1.04173	14880
Darke	1.02253	14881
Defiance	1.00973	14882
Delaware	1.03520	14883
Erie	1.02587	14884
Fairfield	1.02440	14885
Fayette	1.02127	14886

Franklin	1.04053	14887
Fulton	1.0220	14888
Gallia	1.00000	14889
Geauga	1.03340	14890
Greene	1.02960	14891
Guernsey	1.00440	14892
Hamilton	1.05000	14893
Hancock	1.01433	14894
Hardin	1.02373	14895
Harrison	1.00493	14896
Henry	1.02120	14897
Highland	1.00987	14898
Hocking	1.01253	14899
Holmes	1.01187	14900
Huron	1.01953	14901
Jackson	1.00920	14902
Jefferson	1.00487	14903
Knox	1.01860	14904
Lake	1.03493	14905
Lawrence	1.00540	14906
Licking	1.02540	14907
Logan	1.02567	14908
Lorain	1.03433	14909
Lucas	1.02600	14910
Madison	1.03253	14911
Mahoning	1.02307	14912
Marion	1.02040	14913
Medina	1.03573	14914
Meigs	1.00173	14915
Mercer	1.01353	14916
Miami	1.02740	14917
Monroe	1.00333	14918
Montgomery	1.03020	14919

Morgan	1.00593	14920
Morrow	1.02007	14921
Muskingum	1.00847	14922
Noble	1.00487	14923
Ottawa	1.03240	14924
Paulding	1.00767	14925
Perry	1.01067	14926
Pickaway	1.02607	14927
Pike	1.00687	14928
Portage	1.03147	14929
Preble	1.02947	14930
Putnam	1.01440	14931
Richland	1.01327	14932
Ross	1.01007	14933
Sandusky	1.02140	14934
Scioto	1.00080	14935
Seneca	1.01487	14936
Shelby	1.01853	14937
Stark	1.01700	14938
Summit	1.03613	14939
Trumbull	1.02340	14940
Tuscarawas	1.00593	14941
Union	1.03333	14942
Van Wert	1.00887	14943
Vinton	1.00633	14944
Warren	1.04387	14945
Washington	1.00400	14946
Wayne	1.02320	14947
Williams	1.01520	14948
Wood	1.02400	14949
Wyandot	1.01140	14950

(2) In fiscal year 2007, the cost-of-doing-business factor 14951
for each county is: 14952

	COST-OF-DOING-BUSINESS	14953
COUNTY	FACTOR AMOUNT	14954
Adams	1.00117	14955
Allen	1.00687	14956
Ashland	1.00990	14957
Ashtabula	1.01323	14958
Athens	1.00047	14959
Auglaize	1.00823	14960
Belmont	1.00213	14961
Brown	1.00590	14962
Butler	1.02153	14963
Carroll	1.00457	14964
Champaign	1.01487	14965
Clark	1.01490	14966
Clermont	1.01803	14967
Clinton	1.01097	14968
Columbiana	1.00713	14969
Coshocton	1.00577	14970
Crawford	1.00547	14971
Cuyahoga	1.02087	14972
Darke	1.01127	14973
Defiance	1.00487	14974
Delaware	1.01760	14975
Erie	1.01293	14976
Fairfield	1.01220	14977
Fayette	1.01063	14978
Franklin	1.02027	14979
Fulton	1.01100	14980
Gallia	1.00000	14981
Geauga	1.01670	14982
Greene	1.01480	14983
Guernsey	1.00220	14984
Hamilton	1.02500	14985

Hancock	1.00717	14986
Hardin	1.01187	14987
Harrison	1.00247	14988
Henry	1.01060	14989
Highland	1.00493	14990
Hocking	1.00627	14991
Holmes	1.00593	14992
Huron	1.00977	14993
Jackson	1.00460	14994
Jefferson	1.00243	14995
Knox	1.00930	14996
Lake	1.01747	14997
Lawrence	1.00270	14998
Licking	1.01270	14999
Logan	1.01283	15000
Lorain	1.01717	15001
Lucas	1.01300	15002
Madison	1.01627	15003
Mahoning	1.01153	15004
Marion	1.01020	15005
Medina	1.01787	15006
Meigs	1.00087	15007
Mercer	1.00677	15008
Miami	1.01370	15009
Monroe	1.00167	15010
Montgomery	1.01510	15011
Morgan	1.00297	15012
Morrow	1.01003	15013
Muskingum	1.00423	15014
Noble	1.00243	15015
Ottawa	1.01620	15016
Paulding	1.00383	15017
Perry	1.00533	15018

Pickaway	1.01303	15019
Pike	1.00343	15020
Portage	1.01573	15021
Preble	1.01473	15022
Putnam	1.00720	15023
Richland	1.00663	15024
Ross	1.00503	15025
Sandusky	1.01070	15026
Scioto	1.00040	15027
Seneca	1.00743	15028
Shelby	1.00927	15029
Stark	1.00850	15030
Summit	1.01807	15031
Trumbull	1.01170	15032
Tuscarawas	1.00297	15033
Union	1.01667	15034
Van Wert	1.00443	15035
Vinton	1.00317	15036
Warren	1.02193	15037
Washington	1.00200	15038
Wayne	1.01160	15039
Williams	1.00760	15040
Wood	1.01200	15041
Wyandot	1.00570	15042

(O) "Tax exempt value" of a school district means the amount 15043
certified for a school district under division (A)(4) of section 15044
3317.021 of the Revised Code. 15045

(P) "Potential value" of a school district means the 15046
recognized valuation of a school district plus the tax exempt 15047
value of the district. 15048

(Q) "District median income" means the median Ohio adjusted 15049
gross income certified for a school district. On or before the 15050

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 15081
superintendent of public instruction shall issue an initial list 15082
no later than September 1, 2001. 15083

(2) The child is determined by the superintendent of public 15084
instruction to be a medically fragile child. A school district 15085
superintendent may petition the superintendent of public 15086
instruction for a determination that a child is a medically 15087
fragile child. 15088

(V) A child may be identified as "other health 15089
handicapped-minor" if the child's condition meets the definition 15090
of "other health impaired" established in rules adopted by the 15091
state board of education prior to July 1, 2001, but the child's 15092
condition does not meet either of the conditions specified in 15093
division (U)(1) or (2) of this section. 15094

(W) "SF-3 payment" means the sum of the payments to a school 15095
district in a fiscal year under divisions (A), (C)(1), (C)(4), 15096
(D), (E), and (F) of section 3317.022, divisions ~~(J)~~(G), ~~(P)~~(L), 15097
and ~~(R)~~(N) of section 3317.024, and sections 3317.029, 3317.0216, 15098
3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised 15099
Code after making the adjustments required by sections 3313.981 15100
and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), 15101
(K), (L), (M), (N), and (O) of section 3317.023, and division (C) 15102
of section 3317.20 of the Revised Code. 15103

(X) "Property exemption value" means zero in fiscal year 15104
2006, and in fiscal year 2007 and each fiscal year thereafter, the 15105
amount certified for a school district under divisions (A)(6) and 15106
(7) of section 3317.021 of the Revised Code. 15107

Sec. 3317.021. (A) On or before the first day of June of each 15108
year, the tax commissioner shall certify to the department of 15109
education the ~~following~~ information described in divisions (A)(1) 15110

to (7) of this section for each city, exempted village, and local 15111
school district, and the information required by divisions (A)(1) 15112
and (2) of this section for each joint vocational school district, 15113
and it shall be used, along with the information certified under 15114
division (B) of this section, in making the computations for the 15115
district under sections 3317.022, 3317.0216, and 3317.0217 or 15116
section 3317.16 of the Revised Code~~+~~. 15117

(1) The taxable value of real and public utility real 15118
property in the school district subject to taxation in the 15119
preceding tax year, by class and by county of location~~+~~. 15120

(2) The taxable value of tangible personal property, 15121
including public utility personal property, subject to taxation by 15122
the district for the preceding tax year~~+~~. 15123

(3)(a) The total property tax rate and total taxes charged 15124
and payable for the current expenses for the preceding tax year 15125
and the total property tax rate and the total taxes charged and 15126
payable to a joint vocational district for the preceding tax year 15127
that are limited to or to the extent apportioned to current 15128
expenses~~+~~. 15129

(b) The portion of the amount of taxes charged and payable 15130
reported for each city, local, and exempted village school 15131
district under division (A)(3)(a) of this section attributable to 15132
a joint vocational school district. 15133

(4) The value of all real and public utility real property in 15134
the school district exempted from taxation minus both of the 15135
following: 15136

(a) The value of real and public utility real property in the 15137
district owned by the United States government and used 15138
exclusively for a public purpose; 15139

(b) The value of real and public utility real property in the 15140
district exempted from taxation under Chapter 725. or 1728. or 15141

section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,
5709.73, or 5709.78 of the Revised Code. 15142
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(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. 15144
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(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
described in divisions (A)(6)(c) to (i) of this section. The
portion of school district compensation value or other
compensation value attributable to an incentive district exemption
may be subtracted only once even if that incentive district
satisfies more than one of the criteria in divisions (A)(6)(c) to
(i) of this section. 15148
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(a) "School district compensation value" means the aggregate
value of real property in the school district exempted from
taxation pursuant to an ordinance or resolution adopted by the
legislative authority of a municipal corporation under division
(C) of section 5709.40 of the Revised Code or pursuant to a
resolution adopted by a board of township trustees or board of
county commissioners under division (C) of section 5709.73, or
division (B) of section 5709.78 of the Revised Code, respectively,
but not including to the extent that the exempted value results in
the charging of payments in lieu of taxes provided required to be
paid to the school district under division (D)(1) or (2) of
section 5709.40, division (D)(1) of section 5709.73, or division
(C)(1) of section 5709.78 of the Revised Code, respectively, as
indicated on the list of exempted property for the preceding tax
year under section 5713.08 of the Revised Code and as if such 15159
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~~property had been assessed for taxation that year, minus the~~ 15174
~~following amounts:~~ 15175

~~(a) The aggregate value of the improvements to parcels of~~ 15176
~~real property in the school district.~~ 15177

(b) "Other compensation value" means the quotient that 15178
results from dividing (i) the dollar value of compensation 15179
received by the school district during the preceding tax year 15180
pursuant to division (B), (C), or (D) of section 5709.82 of the 15181
Revised Code and the amounts received pursuant to an agreement as 15182
specified in division (D)(2) of section 5709.40, division (D) of 15183
section 5709.73, or division (C) of section 5709.78 of the Revised 15184
Code to the extent those amounts were not previously reported or 15185
included in division (A)(6)(a) of this section, and so that any 15186
such amount is reported only once under division (A)(6)(b) of this 15187
section, in relation to exemptions from taxation granted pursuant 15188
to an ordinance or resolution adopted under division (C) of 15189
section 5709.40, division (C) of section 5709.73, or division (B) 15190
of section 5709.78 of the Revised Code, by (ii) the real property 15191
tax rate in effect for the preceding tax year for 15192
nonresidential/agricultural real property after making the 15193
reductions required by section 319.301 of the Revised Code. 15194

(c) The portion of school district compensation value or 15195
other compensation value that was exempted from taxation pursuant 15196
to such an ordinance or resolution for the preceding tax year, if 15197
the ordinance or resolution is adopted prior to January 1, 2006, 15198
and the legislative authority or board of township trustees or 15199
county commissioners, prior to January 1, 2006, executes a 15200
contract or agreement with a developer, whether for-profit or 15201
not-for-profit, with respect to the development of a project 15202
undertaken or to be undertaken and identified in the ordinance or 15203
resolution, and upon which parcels such project is being, or will 15204
be, undertaken; 15205

~~(b) The product determined by multiplying (i) the aggregate value of the improvements to parcels of real property in the school district exempted from taxation pursuant to any such ordinance or resolution, minus the aggregate value of any improvement excluded pursuant to division (A)(6)(a) of this section, by (ii) a fraction, the numerator of which is the difference between (I) the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation pursuant to such ordinance or resolution had not been exempted from taxation and (II) the aggregate amount of payments and other compensation received in the preceding fiscal year by the school district pursuant to all agreements between the school district and a legislative authority or board of township trustees or county commissioners that were entered into in relation to such ordinance or resolution, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation pursuant to such ordinance or resolution had not been exempted from taxation;~~

~~(c) The aggregate value of the improvements to parcels of real property in the school district exempted from taxation (d) The portion of school district compensation value that was exempted from taxation for the preceding tax year and for which payments in lieu of taxes for the preceding tax year were provided to the school district under division (D)(1) of section 5709.40 of the Revised Code.~~

(e) The portion of school district compensation value that was exempted from taxation for the preceding tax year pursuant to such an ordinance or resolution, if and to the extent that, on or before April 1, 2006, the fiscal officer of the municipal corporation that adopted the ordinance, or of the township or

county that adopted the resolution, certifies and provides 15238
appropriate supporting documentation to the tax commissioner and 15239
the director of development that, based on hold-harmless 15240
provisions in any agreement between the school district and the 15241
legislative authority of the municipal corporation, board of 15242
township trustees, or board of county commissioners that was 15243
entered into on or before June 1, 2005, the ability or obligation 15244
of the municipal corporation, township, or county to repay bonds, 15245
notes, or other financial obligations issued or entered into prior 15246
to January 1, 2006, will be impaired, including obligations to or 15247
of any other body corporate and politic with whom the legislative 15248
authority of the municipal corporation or board of township 15249
trustees or county commissioners has entered into an agreement 15250
pertaining to the use of service payments derived from the 15251
improvements exempted; 15252

~~(d) The aggregate value of the improvements to parcels of~~ 15253
~~real property in the school district exempted from taxation (f)~~ 15254
The portion of school district compensation value that was 15255
exempted from taxation for the preceding tax year pursuant to such 15256
an ordinance or resolution, if the ordinance or resolution is 15257
adopted prior to January 1, 2006, in a municipal corporation with 15258
a population that exceeds one hundred thousand, as shown by the 15259
most recent federal decennial census, that includes a major 15260
employment center and that is adjacent to historically distressed 15261
neighborhoods, if the legislative authority of the municipal 15262
corporation, ~~the board of township trustees, or the board of~~ 15263
~~county commissioners~~ that exempted the property prepares an 15264
economic analysis that demonstrates that all taxes generated 15265
within the incentive district accruing to the state by reason of 15266
improvements constructed within the district during its existence 15267
exceed the amount the state pays the school district under section 15268
3317.022 of the Revised Code attributable to such property 15269
exemption from the school district's recognized valuation. The 15270

analysis shall be submitted to and approved by the department of 15271
development prior to January 1, 2006, and the department shall not 15272
unreasonably withhold approval. ~~Approval shall permit use of the~~ 15273
~~aggregate value for the life of the incentive district as~~ 15274
~~designated in the ordinance or resolution creating it.~~ 15275

~~(e) The aggregate value of the improvements to parcels of~~ 15276
~~real property in the school district exempted from taxation (g)~~ 15277
The portion of school district compensation value that was 15278
exempted from taxation for the preceding tax year under such an 15279
ordinance or resolution, if the ordinance or resolution is adopted 15280
prior to January 1, 2006, and if service payments have been 15281
pledged to be used for mixed-use riverfront entertainment 15282
development in any county with a population that exceeds six 15283
hundred thousand, as shown by the most recent federal decennial 15284
census; 15285

~~(f) The aggregate value of the improvements to parcels of~~ 15286
~~real property in the school district exempted from taxation (h)~~ 15287
The portion of school district compensation value that was 15288
exempted from taxation for the preceding tax year under such an 15289
ordinance or resolution, if, prior to January 1, 2006, the 15290
legislative authority of a municipal corporation, board of 15291
township trustees, or board of county commissioners has pledged 15292
service payments for a designated transportation capacity project 15293
approved by the transportation review advisory council under 15294
Chapter 5512. of the Revised Code; 15295

~~(g) The aggregate value of the improvements to parcels of~~ 15296
~~real property in the school district exempted from taxation (i)~~ 15297
The portion of school district compensation value that was 15298
exempted from taxation for the preceding tax year under such an 15299
ordinance or resolution if the legislative authority of a 15300
municipal corporation, board of township trustees, or board of 15301
county commissioners have, by January 1, 2006, pledged proceeds 15302

for designated transportation improvement projects that involve 15303
federal funds for which the proceeds are used to meet a local 15304
share match requirement for such funding. 15305

As used in division (A)(6) of this section, "project" has the 15306
same meaning as in section 5709.40 of the Revised Code. 15307

(7) The aggregate value of real property in the school 15308
district for which an exemption from taxation is granted by an 15309
ordinance or resolution adopted on or after January 1, 2006, under 15310
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 15311
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 15312
Code, as indicated on the list of exempted property for the 15313
preceding tax year under section 5713.08 of the Revised Code and 15314
as if such property had been assessed for taxation that year, ~~but~~ 15315
~~not including compensation for tax revenue foregone pursuant to an~~ 15316
~~agreement entered into on or after January 1, 2006, under section~~ 15317
~~5709.82 of the Revised Code, and~~ minus the product determined by 15318
multiplying (a) the aggregate value of the real property in the 15319
school district exempted from taxation for the preceding tax year 15320
under any of the chapters or sections specified in this division, 15321
by (b) a fraction, the numerator of which is the difference 15322
between (i) the amount of anticipated revenue such school district 15323
would have received ~~in~~ for the preceding ~~fiscal~~ tax year if the 15324
real property exempted from taxation had not been exempted from 15325
taxation and (ii) the aggregate amount of payments in lieu of 15326
taxes on the exempt real property for the preceding tax year and 15327
other compensation received ~~in~~ for the preceding ~~fiscal~~ tax year 15328
by the school district pursuant to any agreements entered into on 15329
or after January 1, 2006, under section 5709.82 of the Revised 15330
Code between the school district and the legislative authority of 15331
a political subdivision that acted under the authority of a 15332
chapter or statute specified in this division, that were entered 15333
into in relation to such exemption, and the denominator of which 15334

is the amount of anticipated revenue such school district would 15335
have received in the preceding fiscal year if the real property 15336
exempted from taxation had not been exempted. 15337

(8) For each school district receiving payments under 15338
division (B) or (C) of section 3317.0216 of the Revised Code 15339
during the current fiscal year, as included on the most recent 15340
list of such districts sent to the tax commissioner under division 15341
(F) of that section, the following: 15342

(a) The portion of the total amount of taxes charged and 15343
payable for current expenses certified under division (A)(3)(a) of 15344
this section that is attributable to each new levy approved and 15345
charged in the preceding tax year and the respective tax rate of 15346
each of those new levies; 15347

(b) The portion of the total taxes collected for current 15348
expenses under a school district income tax adopted pursuant to 15349
section 5748.03 or 5748.08 of the Revised Code, as certified under 15350
division (A)(2) of section 3317.08 of the Revised Code, that is 15351
attributable to each new school district income tax first 15352
effective in the current taxable year or in the preceding taxable 15353
year. 15354

(B) On or before the first day of May each year, the tax 15355
commissioner shall certify to the department of education the 15356
total taxable real property value of railroads and, separately, 15357
the total taxable tangible personal property value of all public 15358
utilities for the preceding tax year, by school district and by 15359
county of location. 15360

(C) If a public utility has properly and timely filed a 15361
petition for reassessment under section 5727.47 of the Revised 15362
Code with respect to an assessment issued under section 5727.23 of 15363
the Revised Code affecting taxable property apportioned by the tax 15364
commissioner to a school district, the taxable value of public 15365

utility tangible personal property included in the certification 15366
under divisions (A)(2) and (B) of this section for the school 15367
district shall include only the amount of taxable value on the 15368
basis of which the public utility paid tax for the preceding year 15369
as provided in division (B)(1) or (2) of section 5727.47 of the 15370
Revised Code. 15371

(D) If on the basis of the information certified under 15372
division (A) of this section, the department determines that any 15373
district fails in any year to meet the qualification requirement 15374
specified in division (A) of section 3317.01 of the Revised Code, 15375
the department shall immediately request the tax commissioner to 15376
determine the extent to which any school district income tax 15377
levied by the district under Chapter 5748. of the Revised Code 15378
shall be included in meeting that requirement. Within five days of 15379
receiving such a request from the department, the tax commissioner 15380
shall make the determination required by this division and report 15381
the quotient obtained under division (D)(3) of this section to the 15382
department. This quotient represents the number of mills that the 15383
department shall include in determining whether the district meets 15384
the qualification requirement of division (A) of section 3317.01 15385
of the Revised Code. 15386

The tax commissioner shall make the determination required by 15387
this division as follows: 15388

(1) Multiply one mill times the total taxable value of the 15389
district as determined in divisions (A)(1) and (2) of this 15390
section; 15391

(2) Estimate the total amount of tax liability for the 15392
current tax year under taxes levied by Chapter 5748. of the 15393
Revised Code that are apportioned to current operating expenses of 15394
the district; 15395

(3) Divide the amount estimated under division (D)(2) of this 15396

section by the product obtained under division (D)(1) of this 15397
section. 15398

(E)~~(1)~~ On or before June 1, 2006, and the first day of ~~June~~ 15399
April of each year thereafter, the director of development shall 15400
certify to the department of education and the tax commissioner 15401
the total ~~amount~~ amounts of payments received by each city, local, 15402
exempted village, or joint vocational school district ~~during~~ for 15403
the preceding tax year pursuant to ~~an agreement entered into under~~ 15404
~~division (B)~~ division (D) of section 5709.40, division (D) of 15405
section 5709.73, division (C) of section 5709.78, or division 15406
(B)(1), (B)(2), (C), or (D) of section 5709.82 of the Revised Code 15407
in relation to exemptions from taxation granted pursuant to an 15408
ordinance adopted by the legislative authority of a municipal 15409
corporation under division (C)~~(1)~~ of section 5709.40 of the 15410
Revised Code, or a resolution adopted by a board of township 15411
trustees or board of county commissioners under division (C)~~(1)~~ of 15412
section 5709.73 or division (B)~~(1)~~ of section 5709.78 of the 15413
Revised Code, respectively. On or before April 1, 2006, and the 15414
first day of ~~April~~ March of each year thereafter, the treasurer of 15415
each city, local, exempted village, or joint vocational school 15416
district that has entered into such an agreement shall report to 15417
the director of development the total ~~amount~~ amounts of such 15418
payments the district received ~~during~~ for the preceding tax year 15419
~~pursuant to each such agreement~~ as provided in this section. The 15420
state board of education, in accordance with sections 3319.31 and 15421
3319.311 of the Revised Code, may suspend or revoke the license of 15422
a treasurer found to have willfully reported erroneous, 15423
inaccurate, or incomplete data under this division. 15424

(2) On or before April 1, 2007, and the first day of April of 15425
each year thereafter, the director of development shall certify to 15426
the department of education and to the tax commissioner the total 15427
amounts of payments received by each city, local, exempted 15428

village, or joint vocational school district for the preceding tax 15429
year pursuant to divisions (B), (C), and (D) of section 5709.82 of 15430
the Revised Code in relation to exemptions from taxation granted 15431
pursuant to ordinances or resolutions adopted on or after January 15432
1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, 15433
or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 15434
Revised Code. On or before March 1, 2007, and the first day of 15435
March of each year thereafter, the treasurer of each city, local, 15436
exempted village, or joint vocational school district that has 15437
entered into such an agreement shall report to the director of 15438
development the total amounts of such payments the district 15439
received for the preceding tax year as provided by this section. 15440
The state board of education, in accordance with sections 3319.31 15441
and 3319.311 of the Revised Code, may suspend or revoke the 15442
license of a treasurer found to have willfully reported erroneous, 15443
inaccurate, or incomplete data under this division. 15444

Sec. 3317.022. (A) The department of education shall compute 15445
and distribute state base cost funding to each school district for 15446
the fiscal year using the information obtained under section 15447
3317.021 of the Revised Code in the calendar year in which the 15448
fiscal year begins. 15449

(1) Compute the following for each eligible district: 15450
[(cost-of-doing-business factor X 15451
the formula amount X formula ADM) + 15452
the sum of the base funding supplements 15453
prescribed in divisions (C)(1) to (4) 15454
of section 3317.012 of the Revised Code] - 15455
[.023 x (the sum of recognized valuation 15456
and property exemption (value))] 15457

If the difference obtained is a negative number, the 15458
district's computation shall be zero. 15459

(2) Compute both of the following for each school district:	15460
(a) The difference of (i) the district's fiscal year 2005	15461
base cost payment under the version of division (A)(1) of this	15462
section in effect in fiscal year 2005, minus (ii) the amount	15463
computed for the district for the current fiscal year under	15464
current division (A)(1) of this section;	15465
(b) The following amount:	15466
[(fiscal year 2005 base cost payment/fiscal	15467
year 2005 formula ADM) X	15468
current year formula ADM] minus	15469
the amount computed for the district	15470
under current division (A)(1) of this section	15471
If one of the amounts computed under division (A)(2)(a) or	15472
(b) of this section is a positive amount, the department shall pay	15473
the district that amount in addition to the amount calculated	15474
under division (A)(1) of this section. If both amounts are	15475
positive amounts, the department shall pay the district the lesser	15476
of the two amounts in addition to the amount calculated under	15477
division (A)(1) of this section.	15478
(3)(a) For each school district for which the tax exempt	15479
value of the district equals or exceeds twenty-five per cent of	15480
the potential value of the district, the department of education	15481
shall calculate the difference between the district's tax exempt	15482
value and twenty-five per cent of the district's potential value.	15483
(b) For each school district to which division (A)(3)(a) of	15484
this section applies, the department shall adjust the recognized	15485
valuation used in the calculation under division (A)(1) of this	15486
section by subtracting from it the amount calculated under	15487
division (A)(3)(a) of this section.	15488
(B) As used in this section:	15489

(1) The "total special education weight" for a district means	15490
the sum of the following amounts:	15491
(a) The district's category one special education ADM	15492
multiplied by the multiple specified in division (A) of section	15493
3317.013 of the Revised Code;	15494
(b) The district's category two special education ADM	15495
multiplied by the multiple specified in division (B) of section	15496
3317.013 of the Revised Code;	15497
(c) The district's category three special education ADM	15498
multiplied by the multiple specified in division (C) of section	15499
3317.013 of the Revised Code;	15500
(d) The district's category four special education ADM	15501
multiplied by the multiple specified in division (D) of section	15502
3317.013 of the Revised Code;	15503
(e) The district's category five special education ADM	15504
multiplied by the multiple specified in division (E) of section	15505
3317.013 of the Revised Code;	15506
(f) The district's category six special education ADM	15507
multiplied by the multiple specified in division (F) of section	15508
3317.013 of the Revised Code.	15509
(2) "State share percentage" means the percentage calculated	15510
for a district as follows:	15511
(a) Calculate the state base cost funding amount for the	15512
district for the fiscal year under division (A) of this section.	15513
If the district would not receive any state base cost funding for	15514
that year under that division, the district's state share	15515
percentage is zero.	15516
(b) If the district would receive state base cost funding	15517
under that division, divide that amount by an amount equal to the	15518
following:	15519

(Cost-of-doing-business factor X	15520
the formula amount X formula ADM) +	15521
the sum of the base funding supplements	15522
prescribed in divisions (C)(1) to (4)	15523
of section 3317.012 of the Revised Code	15524
The resultant number is the district's state share	15525
percentage.	15526
(3) "Related services" includes:	15527
(a) Child study, special education supervisors and	15528
coordinators, speech and hearing services, adaptive physical	15529
development services, occupational or physical therapy, teacher	15530
assistants for handicapped children whose handicaps are described	15531
in division (B) of section 3317.013 or division (F)(3) of section	15532
3317.02 of the Revised Code, behavioral intervention, interpreter	15533
services, work study, nursing services, and specialized	15534
integrative services as those terms are defined by the department;	15535
(b) Speech and language services provided to any student with	15536
a handicap, including any student whose primary or only handicap	15537
is a speech and language handicap;	15538
(c) Any related service not specifically covered by other	15539
state funds but specified in federal law, including but not	15540
limited to, audiology and school psychological services;	15541
(d) Any service included in units funded under former	15542
division (O)(1) of section 3317.023 of the Revised Code;	15543
(e) Any other related service needed by handicapped children	15544
in accordance with their individualized education plans.	15545
(4) The "total vocational education weight" for a district	15546
means the sum of the following amounts:	15547
(a) The district's category one vocational education ADM	15548
multiplied by the multiple specified in division (A) of section	15549

3317.014 of the Revised Code; 15550

(b) The district's category two vocational education ADM 15551
multiplied by the multiple specified in division (B) of section 15552
3317.014 of the Revised Code. 15553

(C)(1) The department shall compute and distribute state 15554
special education and related services additional weighted costs 15555
funds to each school district in accordance with the following 15556
formula: 15557

The district's state share percentage 15558
X the formula amount for the year 15559
for which the aid is calculated 15560
X the district's total special education weight 15561

(2) The attributed local share of special education and 15562
related services additional weighted costs equals: 15563

(1 - the district's state share percentage) X 15564
the district's total special education weight X 15565
the formula amount 15566

(3)(a) The department shall compute and pay in accordance 15567
with this division additional state aid to school districts for 15568
students in categories two through six special education ADM. If a 15569
district's costs for the fiscal year for a student in its 15570
categories two through six special education ADM exceed the 15571
threshold catastrophic cost for serving the student, the district 15572
may submit to the superintendent of public instruction 15573
documentation, as prescribed by the superintendent, of all its 15574
costs for that student. Upon submission of documentation for a 15575
student of the type and in the manner prescribed, the department 15576
shall pay to the district an amount equal to the sum of the 15577
following: 15578

(i) One-half of the district's costs for the student in 15579
excess of the threshold catastrophic cost; 15580

(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:

(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand dollars in fiscal year 2002, twenty-five thousand seven hundred dollars in fiscal years 2003, 2004, and 2005, and twenty-six thousand five hundred dollars in fiscal years 2006 and 2007;

(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 15612
the personnel allowance X 15613
the state share percentage 15614

(5) In any fiscal year, a school district shall spend for 15615
purposes that the department designates as approved for special 15616
education and related services expenses at least the amount 15617
calculated as follows: 15618

(cost-of-doing-business factor X 15619
formula amount X the sum of categories 15620
one through six special education ADM) + 15621
(total special education weight X formula amount) 15622

The purposes approved by the department for special education 15623
expenses shall include, but shall not be limited to, 15624
identification of handicapped children, compliance with state 15625
rules governing the education of handicapped children and 15626
prescribing the continuum of program options for handicapped 15627
children, provision of speech language pathology services, and the 15628
portion of the school district's overall administrative and 15629
overhead costs that are attributable to the district's special 15630
education student population. 15631

The department shall require school districts to report data 15632
annually to allow for monitoring compliance with division (C)(5) 15633
of this section. The department shall annually report to the 15634
governor and the general assembly the amount of money spent by 15635
each school district for special education and related services. 15636

(6) In any fiscal year, a school district shall spend for the 15637
provision of speech language pathology services not less than the 15638
sum of the amount calculated under division (C)(1) of this section 15639
for the students in the district's category one special education 15640
ADM and the amount calculated under division (C)(4) of this 15641
section. 15642

(D)(1) As used in this division: 15643

(a) "Daily bus miles per student" equals the number of bus 15644
miles traveled per day, divided by transportation base. 15645

(b) "Transportation base" equals total student count as 15646
defined in section 3301.011 of the Revised Code, minus the number 15647
of students enrolled in preschool handicapped units, plus the 15648
number of nonpublic school students included in transportation 15649
ADM. 15650

(c) "Transported student percentage" equals transportation 15651
ADM divided by transportation base. 15652

(d) "Transportation cost per student" equals total operating 15653
costs for board-owned or contractor-operated school buses divided 15654
by transportation base. 15655

(2) Analysis of student transportation cost data has resulted 15656
in a finding that an average efficient transportation use cost per 15657
student can be calculated by means of a regression formula that 15658
has as its two independent variables the number of daily bus miles 15659
per student and the transported student percentage. For fiscal 15660
year 1998 transportation cost data, the average efficient 15661
transportation use cost per student is expressed as follows: 15662

51.79027 + (139.62626 X daily bus miles per student) + 15663
(116.25573 X transported student percentage) 15664

The department of education shall annually determine the 15665
average efficient transportation use cost per student in 15666
accordance with the principles stated in division (D)(2) of this 15667
section, updating the intercept and regression coefficients of the 15668
regression formula modeled in this division, based on an annual 15669
statewide analysis of each school district's daily bus miles per 15670
student, transported student percentage, and transportation cost 15671
per student data. The department shall conduct the annual update 15672
using data, including daily bus miles per student, transported 15673

student percentage, and transportation cost per student data, from 15674
the prior fiscal year. The department shall notify the office of 15675
budget and management of such update by the fifteenth day of 15676
February of each year. 15677

(3) In addition to funds paid under divisions (A), (C), and 15678
(E) of this section, each district with a transported student 15679
percentage greater than zero shall receive a payment equal to a 15680
percentage of the product of the district's transportation base 15681
from the prior fiscal year times the annually updated average 15682
efficient transportation use cost per student, times an inflation 15683
factor of two and eight tenths per cent to account for the 15684
one-year difference between the data used in updating the formula 15685
and calculating the payment and the year in which the payment is 15686
made. The percentage shall be the following percentage of that 15687
product specified for the corresponding fiscal year: 15688

FISCAL YEAR	PERCENTAGE	
2000	52.5%	15689
2001	55%	15691
2002	57.5%	15692
2003 and thereafter	The greater of 60% or the district's state share percentage	15693

The payments made under division (D)(3) of this section each 15694
year shall be calculated based on all of the same prior year's 15695
data used to update the formula. 15696

(4) In addition to funds paid under divisions (D)(2) and (3) 15697
of this section, a school district shall receive a rough road 15698
subsidy if both of the following apply: 15699

(a) Its county rough road percentage is higher than the 15700
statewide rough road percentage, as those terms are defined in 15701
division (D)(5) of this section; 15702

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 15703
15704

(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: 15705
15706
15707

(per rough mile subsidy X total rough road miles) X density multiplier 15708
15709

where: 15710

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 15711
15712

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$
 15713
15714
15715

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 15716
15717

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 15718
15719
15720
15721
15722
15723
15724

(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation. 15725
15726
15727
15728

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 15729
15730
15731

(c) "Density multiplier" means a figure calculated in 15732

accordance with the following formula: 15733

1 - [(minimum student density - district student 15734
density)/(minimum student density - 15735
statewide student density)] 15736

(i) "Minimum student density" means the lowest district 15737
student density in the state. 15738

(ii) "District student density" means a school district's 15739
transportation base divided by the number of square miles in the 15740
district. 15741

(iii) "Statewide student density" means the sum of the 15742
transportation bases for all school districts divided by the sum 15743
of the square miles in all school districts. 15744

(6) In addition to funds paid under divisions (D)(2) to (5) 15745
of this section, each district shall receive in accordance with 15746
rules adopted by the state board of education a payment for 15747
students transported by means other than board-owned or 15748
contractor-operated buses and whose transportation is not funded 15749
under division ~~(F)~~(G) of section 3317.024 of the Revised Code. The 15750
rules shall include provisions for school district reporting of 15751
such students. 15752

(E)(1) The department shall compute and distribute state 15753
vocational education additional weighted costs funds to each 15754
school district in accordance with the following formula: 15755

state share percentage X 15756
the formula amount X 15757
total vocational education weight 15758

In any fiscal year, a school district receiving funds under 15759
division (E)(1) of this section shall spend those funds only for 15760
the purposes that the department designates as approved for 15761
vocational education expenses. Vocational educational expenses 15762
approved by the department shall include only expenses connected 15763

to the delivery of career-technical programming to 15764
career-technical students. The department shall require the school 15765
district to report data annually so that the department may 15766
monitor the district's compliance with the requirements regarding 15767
the manner in which funding received under division (E)(1) of this 15768
section may be spent. 15769

(2) The department shall compute for each school district 15770
state funds for vocational education associated services in 15771
accordance with the following formula: 15772

state share percentage X .05 X 15773
the formula amount X the sum of categories one and two 15774
vocational education ADM 15775

In any fiscal year, a school district receiving funds under 15776
division (E)(2) of this section, or through a transfer of funds 15777
pursuant to division (L) of section 3317.023 of the Revised Code, 15778
shall spend those funds only for the purposes that the department 15779
designates as approved for vocational education associated 15780
services expenses, which may include such purposes as 15781
apprenticeship coordinators, coordinators for other vocational 15782
education services, vocational evaluation, and other purposes 15783
designated by the department. The department may deny payment 15784
under division (E)(2) of this section to any district that the 15785
department determines is not operating those services or is using 15786
funds paid under division (E)(2) of this section, or through a 15787
transfer of funds pursuant to division (L) of section 3317.023 of 15788
the Revised Code, for other purposes. 15789

(F) The actual local share in any fiscal year for the 15790
combination of special education and related services additional 15791
weighted costs funding calculated under division (C)(1) of this 15792
section, transportation funding calculated under divisions (D)(2) 15793
and (3) of this section, and vocational education and associated 15794
services additional weighted costs funding calculated under 15795

divisions (E)(1) and (2) of this section shall not exceed for any 15796
school district the product of three and three-tenths mills times 15797
the district's recognized valuation. The department annually shall 15798
pay each school district as an excess cost supplement any amount 15799
by which the sum of the district's attributed local shares for 15800
that funding exceeds that product. For purposes of calculating the 15801
excess cost supplement: 15802

(1) The attributed local share for special education and 15803
related services additional weighted costs funding is the amount 15804
specified in division (C)(2) of this section. 15805

(2) The attributed local share of transportation funding 15806
equals the difference of the total amount calculated for the 15807
district using the formula developed under division (D)(2) of this 15808
section minus the actual amount paid to the district after 15809
applying the percentage specified in division (D)(3) of this 15810
section. 15811

(3) The attributed local share of vocational education and 15812
associated services additional weighted costs funding is the 15813
amount determined as follows: 15814

(1 - state share percentage) X 15815
[(total vocational education weight X 15816
the formula amount) + the payment under 15817
division (E)(2) of this section] 15818

Sec. 3317.024. In addition to the moneys paid to eligible 15819
school districts pursuant to section 3317.022 of the Revised Code, 15820
moneys appropriated for the education programs in divisions (A) to 15821
~~(H)~~, ~~(J) to (L)~~(I), ~~(O)~~(K), ~~(P)~~(L), and ~~(R)~~(N) of this section 15822
shall be distributed to school districts meeting the requirements 15823
of section 3317.01 of the Revised Code; in the case of divisions 15824
~~(J)~~(G) and ~~(P)~~(L) of this section, to educational service centers 15825
as provided in section 3317.11 of the Revised Code; in the case of 15826

divisions ~~(E)~~, ~~(M)~~, (D) and ~~(N)~~(J) of this section, to county 15827
MR/DD boards; in the case of division ~~(R)~~(N) of this section, to 15828
joint vocational school districts; in the case of division ~~(K)~~(H) 15829
of this section, to cooperative education school districts; and in 15830
the case of division ~~(Q)~~(M) of this section, to the institutions 15831
defined under section 3317.082 of the Revised Code providing 15832
elementary or secondary education programs to children other than 15833
children receiving special education under section 3323.091 of the 15834
Revised Code. The following shall be distributed monthly, 15835
quarterly, or annually as may be determined by the state board of 15836
education: 15837

~~(A) A per pupil amount to each school district that 15838
establishes a summer school remediation program that complies with 15839
rules of the state board of education. 15840~~

~~(B)~~ An amount for each island school district and each joint 15841
state school district for the operation of each high school and 15842
each elementary school maintained within such district and for 15843
capital improvements for such schools. Such amounts shall be 15844
determined on the basis of standards adopted by the state board of 15845
education. 15846

~~(C)~~(B) An amount for each school district operating classes 15847
for children of migrant workers who are unable to be in attendance 15848
in an Ohio school during the entire regular school year. The 15849
amounts shall be determined on the basis of standards adopted by 15850
the state board of education, except that payment shall be made 15851
only for subjects regularly offered by the school district 15852
providing the classes. 15853

~~(D)~~(C) An amount for each school district with guidance, 15854
testing, and counseling programs approved by the state board of 15855
education. The amount shall be determined on the basis of 15856
standards adopted by the state board of education. 15857

(E) (D) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;	15858 15859
(F) (E) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year.	15860 15861 15862 15863 15864 15865
(G) In fiscal year 2000 only, an amount to each school district for supplemental salary allowances for each licensed employee except those licensees serving as superintendents, assistant superintendents, principals, or assistant principals, whose term of service in any year is extended beyond the term of service of regular classroom teachers, as described in section 3301.0725 of the Revised Code;	15866 15867 15868 15869 15870 15871 15872
(H) (F) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education.	15873 15874 15875 15876
(I) Notwithstanding section 3317.01 of the Revised Code, but only until June 30, 1999, to each city, local, and exempted village school district, an amount for conducting driver education courses at high schools for which the state board of education prescribes minimum standards and to joint vocational and cooperative education school districts and educational service centers, an amount for conducting driver education courses to pupils enrolled in a high school for which the state board prescribes minimum standards. No payments shall be made under this division after June 30, 1999.	15877 15878 15879 15880 15881 15882 15883 15884 15885 15886
(J) (G) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education	15887 15888

program approved by the department of education whom it is 15889
impossible or impractical to transport by regular school bus in 15890
the course of regular route transportation provided by the 15891
district or service center. No district or service center is 15892
eligible to receive a payment under this division for the cost of 15893
transporting any pupil whom it transports by regular school bus 15894
and who is included in the district's transportation ADM. The 15895
state board of education shall establish standards and guidelines 15896
for use by the department of education in determining the approved 15897
cost of such transportation for each district or service center. 15898

~~(K)~~(H) An amount to each school district, including each 15899
cooperative education school district, pursuant to section 3313.81 15900
of the Revised Code to assist in providing free lunches to needy 15901
children and an amount to assist needy school districts in 15902
purchasing necessary equipment for food preparation. The amounts 15903
shall be determined on the basis of rules adopted by the state 15904
board of education. 15905

~~(L)~~(I) An amount to each school district, for each pupil 15906
attending a chartered nonpublic elementary or high school within 15907
the district. The amount shall equal the amount appropriated for 15908
the implementation of section 3317.06 of the Revised Code divided 15909
by the average daily membership in grades kindergarten through 15910
twelve in nonpublic elementary and high schools within the state 15911
as determined during the first full week in October of each school 15912
year. 15913

~~(M)~~(J) An amount for each county MR/DD board, distributed on 15914
the basis of standards adopted by the state board of education, 15915
for the approved cost of transportation required for children 15916
attending special education programs operated by the county MR/DD 15917
board under section 3323.09 of the Revised Code; 15918

~~(N)~~ An amount for each county MR/DD board, distributed on the 15919
basis of standards adopted by the state board of education, for 15920

supportive home services for preschool children;	15921
(O) (K) An amount for each school district that establishes a	15922
mentor teacher program that complies with rules of the state board	15923
of education. No school district shall be required to establish or	15924
maintain such a program in any year unless sufficient funds are	15925
appropriated to cover the district's total costs for the program.	15926
(P) (L) An amount to each school district or educational	15927
service center for the total number of gifted units approved	15928
pursuant to section 3317.05 of the Revised Code. The amount for	15929
each such unit shall be the sum of the minimum salary for the	15930
teacher of the unit, calculated on the basis of the teacher's	15931
training level and years of experience pursuant to the salary	15932
schedule prescribed in the version of section 3317.13 of the	15933
Revised Code in effect prior to July 1, 2001, plus fifteen per	15934
cent of that minimum salary amount, plus two thousand six hundred	15935
seventy-eight dollars.	15936
(Q) (M) An amount to each institution defined under section	15937
3317.082 of the Revised Code providing elementary or secondary	15938
education to children other than children receiving special	15939
education under section 3323.091 of the Revised Code. This amount	15940
for any institution in any fiscal year shall equal the total of	15941
all tuition amounts required to be paid to the institution under	15942
division (A)(1) of section 3317.082 of the Revised Code.	15943
(R) (N) A grant to each school district and joint vocational	15944
school district that operates a "graduation, reality, and	15945
dual-role skills" (GRADS) program for pregnant and parenting	15946
students that is approved by the department. The amount of the	15947
payment shall be the district's state share percentage, as defined	15948
in section 3317.022 or 3317.16 of the Revised Code, times the	15949
GRADS personnel allowance times the full-time-equivalent number of	15950
GRADS teachers approved by the department. The GRADS personnel	15951

allowance is \$47,555 in fiscal years 2004, 2005, 2006, and 2007. 15952

The state board of education or any other board of education 15953
or governing board may provide for any resident of a district or 15954
educational service center territory any educational service for 15955
which funds are made available to the board by the United States 15956
under the authority of public law, whether such funds come 15957
directly or indirectly from the United States or any agency or 15958
department thereof or through the state or any agency, department, 15959
or political subdivision thereof. 15960

Sec. 3317.029. (A) As used in this section: 15961

(1) "Poverty percentage" means the quotient obtained by 15962
dividing the five-year average number of children ages five to 15963
seventeen residing in the school district and living in a family 15964
receiving assistance under the Ohio works first program or an 15965
antecedent program known as TANF or ADC, as certified or adjusted 15966
under section 3317.10 of the Revised Code, by the district's 15967
three-year average formula ADM. 15968

(2) "Statewide poverty percentage" means the five-year 15969
average of the total number of children ages five to seventeen 15970
years residing in the state and receiving assistance under the 15971
Ohio works first program or an antecedent program known as TANF or 15972
ADC, divided by the sum of the three-year average formula ADMs for 15973
all school districts in the state. 15974

(3) "Poverty index" means the quotient obtained by dividing 15975
the school district's poverty percentage by the statewide poverty 15976
percentage. 15977

(4) "Poverty student count" means the five-year average 15978
number of children ages five to seventeen residing in the school 15979
district and living in a family receiving assistance under the 15980
Ohio works first program or an antecedent program known as TANF or 15981

ADC, as certified under section 3317.10 of the Revised Code⁺, 15982

(5) "Kindergarten ADM" means the number of students reported 15983
under section 3317.03 of the Revised Code as enrolled in 15984
kindergarten, excluding any kindergarten students reported under 15985
division (B)(3)(e) or (f) of section 3317.03 of the Revised Code. 15986

(6) "Kindergarten through third grade ADM" means the amount 15987
calculated as follows: 15988

(a) Multiply the kindergarten ADM by the sum of one plus the 15989
all-day kindergarten percentage; 15990

(b) Add the number of students in grades one through three; 15991

(c) Subtract from the sum calculated under division (A)(6)(b) 15992
of this section the number of special education students in grades 15993
kindergarten through three. 15994

"Kindergarten through third grade ADM" shall not include any 15995
students reported under division (B)(3)(e) or (f) of section 15996
3317.03 of the Revised Code. 15997

(7) "All-day kindergarten" means a kindergarten class that is 15998
in session five days per week for not less than the same number of 15999
clock hours each day as for pupils in grades one through six. 16000

(8) "All-day kindergarten percentage" means the percentage of 16001
a district's actual total number of students enrolled in 16002
kindergarten who are enrolled in all-day kindergarten. 16003

(9) "Buildings with the highest concentration of need" means 16004
the school buildings in a district with percentages of students in 16005
grades kindergarten through three receiving assistance under Ohio 16006
works first at least as high as the district-wide percentage of 16007
students receiving such assistance. 16008

If, in any fiscal year, the information provided by the 16009
department of job and family services under section 3317.10 of the 16010
Revised Code is insufficient to determine the Ohio works first 16011

percentage in each building, "buildings with the highest
concentration of need" has the meaning given in rules that the
department of education shall adopt. The rules shall base the
definition of "buildings with the highest concentration of need"
on family income of students in grades kindergarten through three
in a manner that, to the extent possible with available data,
approximates the intent of this division and division (K) of this
section to designate buildings where the Ohio works first
percentage in those grades equals or exceeds the district-wide
Ohio works first percentage.

(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 16043
level one hours X [(poverty index - 0.25)/0.5] 16044
X phase-in percentage 16045

Where: 16046

(i) "Large-group intervention units" equals the district's 16047
formula ADM divided by 20; 16048

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 16049
\$20.40 in fiscal year 2007; 16050

(iii) "Level one hours" equals 25 hours; 16051

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 16052
and 1.00 in fiscal year 2007. 16053

(b) If the district's poverty index is greater than or equal 16054
to 0.75: 16055

large-group intervention units X hourly rate X 16056
level one hours X phase-in percentage 16057

Where "large-group intervention units," "hourly rate," "level 16058
one hours," and "phase-in percentage" have the same meanings as in 16059
division (C)(1)(a) of this section. 16060

(2) If the district's poverty index is greater than or equal 16061
to 0.75, calculate the district's level two amount for 16062
medium-group academic intervention for all students as follows: 16063

(a) If the district's poverty index is greater than or equal 16064
to 0.75 but less than 1.50: 16065

medium-group intervention units X hourly rate 16066
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 16067
X phase-in percentage 16068

Where: 16069

(i) "Medium group intervention units" equals the district's 16070
formula ADM divided by 15; 16071

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section. 16072
16073
16074

(b) If the district's poverty index is greater than or equal to 1.50: 16075
16076

medium-group intervention units X hourly rate X 16077

level two hours X phase-in percentage 16078

Where: 16079

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section; 16080
16081

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section; 16082
16083

(iii) "Level two hours" equals 50 hours. 16084

(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: 16085
16086
16087
16088

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50: 16089
16090

small group intervention units X hourly rate X 16091

{level one hours + [level three hours X 16092

(poverty index - 1.50)]} X phase-in percentage 16093

Where: 16094

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10; 16095
16096

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section; 16097
16098
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(iii) "Level three hours" equals 135 hours. 16100

(b) If the district's poverty index is greater than or equal to 2.50:
 small group intervention units X hourly rate
 X level three hours X phase-in percentage

Where:

(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 160 hours.

Any district that receives funds under division (C)(2) or (3) of this section annually shall submit to the department of education by a date established by the department a plan describing how the district will deploy those funds. The deployment measures described in that plan shall comply with any applicable spending requirements prescribed in division (J)(6) of this section or with any order issued by the superintendent of public instruction under section 3317.017 of the Revised Code.

(D) A payment for all-day kindergarten if the poverty index of the school district is greater than or equal to 1.0 or if the district's three-year average formula ADM exceeded seventeen thousand five hundred. In addition, the department shall make a payment under this division to any school district that, in a prior fiscal year, qualified for this payment and provided all-day kindergarten, regardless of changes to the district's poverty index. The department shall calculate the payment under this division by multiplying the all-day kindergarten percentage by the kindergarten ADM and multiplying that product by the formula amount.

(E) A class-size reduction payment based on calculating the

number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school district as follows:

(a) If the poverty index of the school district is less than 1.0, the formula number of teachers is 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one;

(b) If the poverty index of the school district is greater than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by

50.0, which is the number of teachers per one thousand students at
a student-teacher ratio of twenty to one, and divide that product
by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of
this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under
division (E)(3) of this section or zero by the statewide average
teachers compensation. For this purpose, the "statewide average
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941
in fiscal year 2007, which includes an amount for the value of
fringe benefits.

(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:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$$

X 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 16192
the number determined by the department when it calculated the 16193
district's percentage of limited English proficient students for 16194
its school district report card issued in 2003 for the 2002-2003 16195
school year. 16196

Not later than December 31, 2006, the department of education 16197
shall recommend to the general assembly and the director of budget 16198
and management a method of identifying the number of limited 16199
English proficient students for purposes of calculating payments 16200
under this division after fiscal year 2007. 16201

(G) A payment for professional development of teachers, if 16202
the district's poverty index is greater than or equal to 1.0, 16203
calculated as follows: 16204

(1) If the district's poverty index is greater than or equal 16205
to 1.0, but less than 1.75, determine the amount per teacher as 16206
follows: 16207

$$[(\text{poverty index} - 1.0) / 0.75] \times 0.045 \times \text{formula amount}$$
 16208

(2) If the district's poverty index is greater than or equal 16209
to 1.75, the amount per teacher equals: 16210

$$0.045 \times \text{formula amount}$$
 16211

(3) Determine the number of teachers, as follows: 16212

$$(\text{formula ADM}/17)$$
 16213

(4) Multiply the per teacher amount determined for the 16214
district under division (G)(1) or (2) of this section by the 16215
number of teachers determined under division (G)(3) of this 16216
section, times a phase-in percentage of 0.40 in fiscal year 2006 16217
and 0.70 in fiscal year 2007. 16218

(H) A payment for dropout prevention, if the district is a 16219
big eight school district as defined in section 3314.02 of the 16220
Revised Code, calculated as follows: 16221

0.005 X formula amount X poverty index	16222
X formula ADM X phase-in percentage	16223
Where "phase-in percentage" equals 0.40 in fiscal year 2006	16224
and 0.70 in fiscal year 2007.	16225
(I) An amount for community outreach, if the district is an	16226
urban school district as defined in section 3314.02 of the Revised	16227
Code, calculated as follows:	16228
0.005 X formula amount X poverty index X	16229
formula ADM X phase-in percentage	16230
Where "phase-in percentage" equals 0.40 in fiscal year 2006	16231
and 0.70 in fiscal year 2007.	16232
(J) This division applies only to school districts whose	16233
poverty index is 1.0 or greater.	16234
(1) Each school district subject to this division shall first	16235
utilize funds received under this section so that, when combined	16236
with other funds of the district, sufficient funds exist to	16237
provide all-day kindergarten to at least the number of children in	16238
the district's all-day kindergarten percentage. <u>To satisfy this</u>	16239
<u>requirement, a district may use funds paid under division (C),</u>	16240
<u>(F), (G), (H), or (I) of this section to provide all-day</u>	16241
<u>kindergarten in addition to the all-day kindergarten payment under</u>	16242
<u>division (D) of this section.</u>	16243
(2) Each <u>Except as permitted under division (J)(1) of this</u>	16244
<u>section, each</u> school district shall use its payment under division	16245
(F) of this section for one or more of the following purposes:	16246
(a) To hire teachers for limited English proficient students	16247
or other personnel to provide intervention services for those	16248
students;	16249
(b) To contract for intervention services for those students;	16250
(c) To provide other services to assist those students in	16251

passing the third-grade reading achievement test, and to provide 16252
for those students the intervention services required by section 16253
3313.608 of the Revised Code. 16254

(3) ~~Each~~ Except as permitted under division (J)(1) of this 16255
section, each school district shall use its payment under division 16256
(G) of this section for professional development of teachers or 16257
other licensed personnel providing educational services to 16258
students only in one or more of the following areas: 16259

(a) Data-based decision making; 16260

(b) Standards-based curriculum models; 16261

(c) Job-embedded professional development activities that are 16262
research-based, as defined in federal law. 16263

In addition, each district shall use the payment only to 16264
implement programs identified on a list of eligible professional 16265
development programs provided by the department of education. The 16266
department annually shall provide the list to each district 16267
receiving a payment under division (G) of this section. However, a 16268
district may apply to the department for a waiver to implement an 16269
alternative professional development program in one or more of the 16270
areas specified in divisions (J)(3)(a) to (c) of this section. If 16271
the department grants the waiver, the district may use its payment 16272
under division (G) of this section to implement the alternative 16273
program. 16274

(4) ~~Each~~ Except as permitted under division (J)(1) of this 16275
section, each big eight school district shall use its payment 16276
under division (H) of this section either for preventing at-risk 16277
students from dropping out of school, for safety and security 16278
measures described in division (J)(5)(b) of this section, for 16279
academic intervention services described in division (J)(6) of 16280
this section, or for a combination of those purposes. Not later 16281
than September 1, 2005, the department of education shall provide 16282

each big eight school district with a list of dropout prevention 16283
programs that it has determined are successful. The department 16284
subsequently may update the list. Each district that elects to use 16285
its payment under division (H) of this section for dropout 16286
prevention shall use the payment only to implement a dropout 16287
prevention program specified on the department's list. However, a 16288
district may apply to the department for a waiver to implement an 16289
alternative dropout prevention program. If the department grants 16290
the waiver, the district may use its payment under division (H) of 16291
this section to implement the alternative program. 16292

(5) ~~Each~~ Except as permitted under division (J)(1) of this 16293
section, each urban school district that has a poverty index 16294
greater than or equal to 1.0 shall use its payment under division 16295
(I) of this section for one or a combination of the following 16296
purposes: 16297

(a) To hire or contract for community liaison officers, 16298
attendance or truant officers, or safety and security personnel; 16299

(b) To implement programs designed to ensure that schools are 16300
free of drugs and violence and have a disciplined environment 16301
conducive to learning; 16302

(c) To implement academic intervention services described in 16303
division (J)(6) of this section. 16304

(6) ~~Each~~ Except as permitted under division (J)(1) of this 16305
section, each school district with a poverty index greater than or 16306
equal to 1.0 shall use the amount of its payment under division 16307
(C) of this section, and may use any amount of its payment under 16308
division (H) or (I) of this section, for academic intervention 16309
services for students who have failed or are in danger of failing 16310
any of the tests administered pursuant to section 3301.0710 of the 16311
Revised Code, including intervention services required by section 16312
3313.608 of the Revised Code. ~~No~~ Except as permitted under 16313

division (J)(1) of this section, no district shall spend any 16314
portion of its payment under division (C) of this section for any 16315
other purpose. Notwithstanding any provision to the contrary in 16316
Chapter 4117. of the Revised Code, no collective bargaining 16317
agreement entered into after ~~the effective date of this amendment~~ 16318
June 30, 2005, shall require use of the payment for any other 16319
purpose. 16320

(7) Except as otherwise required by division (K) or permitted 16321
under division (O) of this section, all remaining funds 16322
distributed under this section to districts with a poverty index 16323
greater than or equal to 1.0 shall be utilized for the purpose of 16324
the third grade guarantee. The third grade guarantee consists of 16325
increasing the amount of instructional attention received per 16326
pupil in kindergarten through third grade, either by reducing the 16327
ratio of students to instructional personnel or by increasing the 16328
amount of instruction and curriculum-related activities by 16329
extending the length of the school day or the school year. 16330

School districts may implement a reduction of the ratio of 16331
students to instructional personnel through any or all of the 16332
following methods: 16333

(a) Reducing the number of students in a classroom taught by 16334
a single teacher; 16335

(b) Employing full-time educational aides or educational 16336
paraprofessionals issued a permit or license under section 16337
3319.088 of the Revised Code; 16338

(c) Instituting a team-teaching method that will result in a 16339
lower student-teacher ratio in a classroom. 16340

Districts may extend the school day either by increasing the 16341
amount of time allocated for each class, increasing the number of 16342
classes provided per day, offering optional academic-related 16343
after-school programs, providing curriculum-related extra 16344

curricular activities, or establishing tutoring or remedial 16345
services for students who have demonstrated an educational need. 16346
In accordance with section 3319.089 of the Revised Code, a 16347
district extending the school day pursuant to this division may 16348
utilize a participant of the work experience program who has a 16349
child enrolled in a public school in that district and who is 16350
fulfilling the work requirements of that program by volunteering 16351
or working in that public school. If the work experience program 16352
participant is compensated, the school district may use the funds 16353
distributed under this section for all or part of the 16354
compensation. 16355

Districts may extend the school year either through adding 16356
regular days of instruction to the school calendar or by providing 16357
summer programs. 16358

(K) Each district shall not expend any funds received under 16359
division (E) of this section in any school buildings that are not 16360
buildings with the highest concentration of need, unless there is 16361
a ratio of instructional personnel to students of no more than 16362
fifteen to one in each kindergarten and first grade class in all 16363
buildings with the highest concentration of need. This division 16364
does not require that the funds used in buildings with the highest 16365
concentration of need be spent solely to reduce the ratio of 16366
instructional personnel to students in kindergarten and first 16367
grade. A school district may spend the funds in those buildings in 16368
any manner permitted by division (J)(7) of this section, but may 16369
not spend the money in other buildings unless the fifteen-to-one 16370
ratio required by this division is attained. 16371

(L)(1) By the first day of August of each fiscal year, each 16372
school district wishing to receive any funds under division (D) of 16373
this section shall submit to the department of education an 16374
estimate of its all-day kindergarten percentage. Each district 16375
shall update its estimate throughout the fiscal year in the form 16376

and manner required by the department, and the department shall 16377
adjust payments under this section to reflect the updates. 16378

(2) Annually by the end of December, the department of 16379
education, utilizing data from the information system established 16380
under section 3301.0714 of the Revised Code ~~and after consultation~~ 16381
~~with the legislative office of education oversight~~, shall 16382
determine for each school district subject to division (J) of this 16383
section whether in the preceding fiscal year the district's ratio 16384
of instructional personnel to students and its number of 16385
kindergarten students receiving all-day kindergarten appear 16386
reasonable, given the amounts of money the district received for 16387
that fiscal year pursuant to divisions (D) and (E) of this 16388
section. If the department is unable to verify from the data 16389
available that students are receiving reasonable amounts of 16390
instructional attention and all-day kindergarten, given the funds 16391
the district has received under this section and that class-size 16392
reduction funds are being used in school buildings with the 16393
highest concentration of need as required by division (K) of this 16394
section, the department shall conduct a more intensive 16395
investigation to ensure that funds have been expended as required 16396
by this section. The department shall file an annual report of its 16397
findings under this division with the chairpersons of the 16398
committees in each house of the general assembly dealing with 16399
finance and education. 16400

(M)(1) Each school district with a poverty index less than 16401
1.0 ~~and a three year average formula ADM exceeding seventeen~~ 16402
~~thousand five hundred~~ that receives a payment under division (D) 16403
of this section shall first utilize funds received under this 16404
section so that, when combined with other funds of the district, 16405
sufficient funds exist to provide all-day kindergarten to at least 16406
the number of children in the district's all-day kindergarten 16407
percentage. To satisfy this requirement, a district may use funds 16408

paid under division (C) or (I) of this section to provide all-day 16409
kindergarten in addition to the all-day kindergarten payment under 16410
division (D) of this section. 16411

(2) ~~Each~~ Except as permitted under division (M)(1) of this 16412
section, each school district with a poverty index less than 1.0 16413
that receives a payment under division (C) of this section shall 16414
use its payment under that division in accordance with all 16415
requirements of division (J)(6) of this section. 16416

(3) ~~Each~~ Except as permitted under division (M)(1) of this 16417
section, each school district with a poverty index less than 1.0 16418
that receives a payment under division (I) of this section shall 16419
use its payment under that division for one or a combination of 16420
the following purposes: 16421

(a) To hire or contract for community liaison officers, 16422
attendance or truant officers, or safety and security personnel; 16423

(b) To implement programs designed to ensure that schools are 16424
free of drugs and violence and have a disciplined environment 16425
conducive to learning; 16426

(c) To implement academic intervention services described in 16427
division (J)(6) of this section. 16428

(4) Each school district to which division (M)(1), (2), or 16429
(3) of this section applies shall expend the remaining funds 16430
received under this section, and any other district with a poverty 16431
index less than 1.0 shall expend all funds received under this 16432
section, for any of the following purposes: 16433

(a) The purchase of technology for instructional purposes for 16434
remediation; 16435

(b) All-day kindergarten; 16436

(c) Reduction of class sizes in grades kindergarten through 16437
three, as described in division (J)(7) of this section; 16438

(d) Summer school remediation;	16439
(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;	16440 16441
(f) Guaranteeing that all third graders are ready to progress to more advanced work;	16442 16443
(g) Summer education and work programs;	16444
(h) Adolescent pregnancy programs;	16445
(i) Head start, preschool, early childhood education, or early learning programs;	16446 16447
(j) Reading improvement and remediation programs described by the department of education;	16448 16449
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	16450 16451 16452
(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	16453 16454 16455 16456 16457 16458
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	16459 16460
(N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.	16461 16462 16463 16464 16465 16466 16467 16468

The superintendent shall also withhold an appropriate amount 16469
of funds otherwise due a district for any other misuse of funds 16470
not in accordance with this section. 16471

(O)(1) A district may use a portion of the funds calculated 16472
for it under division (D) of this section to modify or purchase 16473
classroom space to provide all-day kindergarten, if both of the 16474
following conditions are met: 16475

(a) The district certifies to the department, in a manner 16476
acceptable to the department, that it has a shortage of space for 16477
providing all-day kindergarten. 16478

(b) The district provides all-day kindergarten to the number 16479
of children in the all-day kindergarten percentage it certified 16480
under this section. 16481

(2) A district may use a portion of the funds described in 16482
division (J)(7) of this section to modify or purchase classroom 16483
space to enable it to further reduce class size in grades 16484
kindergarten through two with a goal of attaining class sizes of 16485
fifteen students per licensed teacher. To do so, the district must 16486
certify its need for additional space to the department, in a 16487
manner satisfactory to the department. 16488

Sec. 3317.0216. (A) As used in this section: 16489

(1) "Total taxes charged and payable for current expenses" 16490
means the sum of the taxes charged and payable as certified under 16491
division (A)(3)(a) of section 3317.021 of the Revised Code less 16492
any amounts reported under division (A)(3)(b) of that section, and 16493
the tax distribution for the preceding year under any school 16494
district income tax levied by the district pursuant to Chapter 16495
5748. of the Revised Code to the extent the revenue from the 16496
income tax is allocated or apportioned to current expenses. 16497

(2) "Charge-off amount" means two and three-tenths per cent 16498

multiplied by (the sum of recognized valuation and property
exemption value). 16499
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(3) Until fiscal year 2003, the "actual local share of
special education, transportation, and vocational education
funding" for any school district means the sum of the district's
attributed local shares described in divisions (F)(1) to (3) of
section 3317.022 of the Revised Code. Beginning in fiscal year
2003, the "actual local share of special education,
transportation, and vocational education funding" means that sum
minus the amount of any excess cost supplement payment calculated
for the district under division (F) of section 3317.022 of the
Revised Code. 16501
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(4) "Current expense revenues from the tangible property tax
replacement fund" means payments received from the school district
tangible property tax replacement fund or the general revenue fund
under section 5751.21 of the Revised Code for fixed-rate levies
for current expenses and for fixed-sum levies for current
expenses, including school district emergency levies under
sections 5705.194 to 5705.197 of the Revised Code. 16511
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(B) Upon receiving the certifications under section 3317.021
of the Revised Code, the department of education shall determine
for each city, local, and exempted village school district whether
the district's charge-off amount is greater than the sum of the
district's total taxes charged and payable for current expenses
and current expense revenues from the tangible property tax
replacement fund, and if the charge-off amount is greater, shall
pay the district the amount of the difference. A payment shall not
be made to any school district for which the computation under
division (A) of section 3317.022 of the Revised Code equals zero. 16518
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(C)(1) If a district's charge-off amount is equal to or
greater than the sum of its total taxes charged and payable for 16528
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current expenses and current expense revenues from the tangible
property tax replacement fund, the department shall, in addition
to the payment required under division (B) of this section, pay
the district the amount of its actual local share of special
education, transportation, and vocational education funding.

(2) If a district's charge-off amount is less than the sum of
its total taxes charged and payable for current expenses and
current expense revenues from the tangible property tax
replacement fund, the department shall pay the district any amount
by which its actual local share of special education,
transportation, and vocational education funding exceeds the sum
of its total taxes charged and payable for current expenses and
current expense revenues from the tangible property tax
replacement fund minus its charge-off amount.

(D) If a school district that received a payment under
division (B) or (C) of this section in the prior fiscal year is
ineligible for payment under those divisions in the current fiscal
year, the department shall determine if the ineligibility is the
result of a property tax or income tax levy approved by the
district's voters to take effect in tax year 2005 or thereafter.
If the department determines that is the case, and calculates that
the levy causing the ineligibility exceeded by at least one mill
the equivalent millage of the prior year's payment under divisions
(B) and (C) of this section, the department shall make a payment
to the district for the first three years that the district loses
eligibility for payment under divisions (B) and (C) of this
section, as follows:

(1) In the first year of ineligibility, the department shall
pay the district seventy-five per cent of the amount it last paid
the district under divisions (B) and (C) of this section.

(2) In the second year of ineligibility, the department shall

pay the district fifty per cent of the amount it last paid the 16561
district under those divisions. 16562

(3) In the third year of ineligibility, the department shall 16563
pay the district twenty-five per cent of the amount it last paid 16564
the district under those divisions. 16565

(E) A district that receives payment under division (D) of 16566
this section and subsequently qualifies for payment under division 16567
(B) or (C) of this section is ineligible for future payments under 16568
division (D) of this section. 16569

(F) To enable the department of education to make the 16570
determinations and to calculate payments under division (D) of 16571
this section, on the effective date of this amendment, and on or 16572
before the first day of March of each year thereafter, the 16573
department shall send to the tax commissioner a list of school 16574
districts receiving payments under division (B) or (C) of this 16575
section for the current fiscal year. On or before the first day of 16576
the following June, the tax commissioner shall certify to the 16577
department of education for those school districts the information 16578
required by division (A)(8) of section 3317.021 of the Revised 16579
Code. 16580

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 16581
(C) of this section, any student enrolled in kindergarten more 16582
than half time shall be reported as one-half student under this 16583
section. 16584

(A) The superintendent of each city and exempted village 16585
school district and of each educational service center shall, for 16586
the schools under the superintendent's supervision, certify to the 16587
state board of education on or before the fifteenth day of October 16588
in each year for the first full school week in October the formula 16589
ADM. Beginning in fiscal year ~~2006~~ 2007, each superintendent also 16590

shall certify to the state board, for the schools under the 16591
superintendent's supervision, the formula ADM for the ~~third~~ first 16592
full week in February. If a school under the superintendent's 16593
supervision is closed for one or more days during that week due to 16594
hazardous weather conditions or other circumstances described in 16595
the first paragraph of division (B) of section 3317.01 of the 16596
Revised Code, the superintendent may apply to the superintendent 16597
of public instruction for a waiver, under which the superintendent 16598
of public instruction may exempt the district superintendent from 16599
certifying the formula ADM for that school for that week and 16600
specify an alternate week for certifying the formula ADM of that 16601
school. 16602

The formula ADM shall consist of the average daily membership 16603
during such week of the sum of the following: 16604

(1) On an FTE basis, the number of students in grades 16605
kindergarten through twelve receiving any educational services 16606
from the district, except that the following categories of 16607
students shall not be included in the determination: 16608

(a) Students enrolled in adult education classes; 16609

(b) Adjacent or other district students enrolled in the 16610
district under an open enrollment policy pursuant to section 16611
3313.98 of the Revised Code; 16612

(c) Students receiving services in the district pursuant to a 16613
compact, cooperative education agreement, or a contract, but who 16614
are entitled to attend school in another district pursuant to 16615
section 3313.64 or 3313.65 of the Revised Code; 16616

(d) Students for whom tuition is payable pursuant to sections 16617
3317.081 and 3323.141 of the Revised Code. 16618

(2) On an FTE basis, the number of students entitled to 16619
attend school in the district pursuant to section 3313.64 or 16620
3313.65 of the Revised Code, but receiving educational services in 16621

grades kindergarten through twelve from one or more of the 16622
following entities: 16623

(a) A community school pursuant to Chapter 3314. of the 16624
Revised Code, including any participation in a college pursuant to 16625
Chapter 3365. of the Revised Code while enrolled in such community 16626
school; 16627

(b) An alternative school pursuant to sections 3313.974 to 16628
3313.979 of the Revised Code as described in division (I)(2)(a) or 16629
(b) of this section; 16630

(c) A college pursuant to Chapter 3365. of the Revised Code, 16631
except when the student is enrolled in the college while also 16632
enrolled in a community school pursuant to Chapter 3314. of the 16633
Revised Code; 16634

(d) An adjacent or other school district under an open 16635
enrollment policy adopted pursuant to section 3313.98 of the 16636
Revised Code; 16637

(e) An educational service center or cooperative education 16638
district; 16639

(f) Another school district under a cooperative education 16640
agreement, compact, or contract; 16641

(g) A chartered nonpublic school with a scholarship paid 16642
under section 3310.08 of the Revised Code. 16643

(3) Twenty per cent of the number of students enrolled in a 16644
joint vocational school district or under a vocational education 16645
compact, excluding any students entitled to attend school in the 16646
district under section 3313.64 or 3313.65 of the Revised Code who 16647
are enrolled in another school district through an open enrollment 16648
policy as reported under division (A)(2)(d) of this section and 16649
then enroll in a joint vocational school district or under a 16650
vocational education compact; 16651

(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.

(5) ~~In~~ Beginning in fiscal year 2007, in the case of the
report submitted for the ~~third~~ first 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 first full week of the preceding
October but who since that week have received high school
diplomas.

(B) To enable the department of education to obtain the data
needed to complete the calculation of payments pursuant to this
chapter, in addition to the formula ADM, each superintendent shall
report separately the following student counts for the same week
for which formula ADM is certified:

(1) The total average daily membership in regular day classes
included in the report under division (A)(1) or (2) of this
section for kindergarten, and each of grades one through twelve in
schools under the superintendent's supervision;

(2) The number of all handicapped preschool children enrolled
as of the first day of December in classes in the district that
are eligible for approval under division (B) of section 3317.05 of
the Revised Code and the number of those classes, which shall be
reported not later than the fifteenth day of December, in
accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the
district pursuant to section 3313.64 or 3313.65 of the Revised

Code who are:	16683
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	16684 16685 16686
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	16687 16688 16689 16690
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	16691 16692
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	16693 16694 16695 16696 16697 16698
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	16699 16700 16701 16702
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	16703 16704
(g) Participating in a program operated by a county MR/DD board or a state institution+.	16705 16706
(4) The number of pupils enrolled in joint vocational schools;	16707 16708
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	16709 16710 16711 16712

- (6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code; 16713
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- (7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code; 16717
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- (8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code; 16721
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- (9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code; 16725
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- (10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code; 16729
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- (11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section; 16733
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- (12) The average daily membership of pupils reported under 16743

division (A)(1) or (2) of this section enrolled in category two 16744
vocational education programs or services, described in division 16745
(B) of section 3317.014 of the Revised Code, operated by the 16746
school district or another school district, other than a joint 16747
vocational school district, or by an educational service center, 16748
excluding any student reported under division (B)(3)(e) of this 16749
section as enrolled in an internet- or computer-based community 16750
school, notwithstanding division (C) of section 3317.02 of the 16751
Revised Code and division (C)(3) of this section; 16752

(13) The average number of children transported by the school 16753
district on board-owned or contractor-owned and -operated buses, 16754
reported in accordance with rules adopted by the department of 16755
education; 16756

(14)(a) The number of children, other than handicapped 16757
preschool children, the district placed with a county MR/DD board 16758
in fiscal year 1998; 16759

(b) The number of handicapped children, other than 16760
handicapped preschool children, placed with a county MR/DD board 16761
in the current fiscal year to receive special education services 16762
for the category one handicap described in division (A) of section 16763
3317.013 of the Revised Code; 16764

(c) The number of handicapped children, other than 16765
handicapped preschool children, placed with a county MR/DD board 16766
in the current fiscal year to receive special education services 16767
for category two handicaps described in division (B) of section 16768
3317.013 of the Revised Code; 16769

(d) The number of handicapped children, other than 16770
handicapped preschool children, placed with a county MR/DD board 16771
in the current fiscal year to receive special education services 16772
for category three handicaps described in division (C) of section 16773
3317.013 of the Revised Code; 16774

(e) The number of handicapped children, other than 16775
handicapped preschool children, placed with a county MR/DD board 16776
in the current fiscal year to receive special education services 16777
for category four handicaps described in division (D) of section 16778
3317.013 of the Revised Code; 16779

(f) The number of handicapped children, other than 16780
handicapped preschool children, placed with a county MR/DD board 16781
in the current fiscal year to receive special education services 16782
for the category five handicap described in division (E) of 16783
section 3317.013 of the Revised Code; 16784

(g) The number of handicapped children, other than 16785
handicapped preschool children, placed with a county MR/DD board 16786
in the current fiscal year to receive special education services 16787
for category six handicaps described in division (F) of section 16788
3317.013 of the Revised Code. 16789

(C)(1) Except as otherwise provided in this section for 16790
kindergarten students, the average daily membership in divisions 16791
(B)(1) to (12) of this section shall be based upon the number of 16792
full-time equivalent students. The state board of education shall 16793
adopt rules defining full-time equivalent students and for 16794
determining the average daily membership therefrom for the 16795
purposes of divisions (A), (B), and (D) of this section. 16796

(2) A student enrolled in a community school established 16797
under Chapter 3314. of the Revised Code shall be counted in the 16798
formula ADM and, if applicable, the category one, two, three, 16799
four, five, or six special education ADM of the school district in 16800
which the student is entitled to attend school under section 16801
3313.64 or 3313.65 of the Revised Code for the same proportion of 16802
the school year that the student is counted in the enrollment of 16803
the community school for purposes of section 3314.08 of the 16804
Revised Code. 16805

(3) No child shall be counted as more than a total of one 16806
child in the sum of the average daily memberships of a school 16807
district under division (A), divisions (B)(1) to (12), or division 16808
(D) of this section, except as follows: 16809

(a) A child with a handicap described in section 3317.013 of 16810
the Revised Code may be counted both in formula ADM and in 16811
category one, two, three, four, five, or six special education ADM 16812
and, if applicable, in category one or two vocational education 16813
ADM. As provided in division (C) of section 3317.02 of the Revised 16814
Code, such a child shall be counted in category one, two, three, 16815
four, five, or six special education ADM in the same proportion 16816
that the child is counted in formula ADM. 16817

(b) A child enrolled in vocational education programs or 16818
classes described in section 3317.014 of the Revised Code may be 16819
counted both in formula ADM and category one or two vocational 16820
education ADM and, if applicable, in category one, two, three, 16821
four, five, or six special education ADM. Such a child shall be 16822
counted in category one or two vocational education ADM in the 16823
same proportion as the percentage of time that the child spends in 16824
the vocational education programs or classes. 16825

(4) Based on the information reported under this section, the 16826
department of education shall determine the total student count, 16827
as defined in section 3301.011 of the Revised Code, for each 16828
school district. 16829

(D)(1) The superintendent of each joint vocational school 16830
district shall certify to the superintendent of public instruction 16831
on or before the fifteenth day of October in each year for the 16832
first full school week in October the formula ADM. Beginning in 16833
fiscal year ~~2006~~ 2007, each superintendent also shall certify to 16834
the state superintendent the formula ADM for the ~~third~~ first full 16835
week in February. If a school operated by the joint vocational 16836

school district is closed for one or more days during that week 16837
due to hazardous weather conditions or other circumstances 16838
described in the first paragraph of division (B) of section 16839
3317.01 of the Revised Code, the superintendent may apply to the 16840
superintendent of public instruction for a waiver, under which the 16841
superintendent of public instruction may exempt the district 16842
superintendent from certifying the formula ADM for that school for 16843
that week and specify an alternate week for certifying the formula 16844
ADM of that school. 16845

The formula ADM, except as otherwise provided in this 16846
division, shall consist of the average daily membership during 16847
such week, on an FTE basis, of the number of students receiving 16848
any educational services from the district, including students 16849
enrolled in a community school established under Chapter 3314. of 16850
the Revised Code who are attending the joint vocational district 16851
under an agreement between the district board of education and the 16852
governing authority of the community school and are entitled to 16853
attend school in a city, local, or exempted village school 16854
district whose territory is part of the territory of the joint 16855
vocational district. ~~From~~ Beginning in fiscal year 2007, in the case 16856
of the report submitted for the ~~third~~ first week in February, or 16857
the alternative week if specified by the superintendent of public 16858
instruction, the superintendent of the joint vocational school 16859
district may include the number of students reported under 16860
division (D)(1) of this section for the first full week of the 16861
preceding October but who since that week have received high 16862
school diplomas. 16863

The following categories of students shall not be included in 16864
the determination made under division (D)(1) of this section: 16865

(a) Students enrolled in adult education classes; 16866

(b) Adjacent or other district joint vocational students 16867
enrolled in the district under an open enrollment policy pursuant 16868

to section 3313.98 of the Revised Code; 16869

(c) Students receiving services in the district pursuant to a 16870
compact, cooperative education agreement, or a contract, but who 16871
are entitled to attend school in a city, local, or exempted 16872
village school district whose territory is not part of the 16873
territory of the joint vocational district; 16874

(d) Students for whom tuition is payable pursuant to sections 16875
3317.081 and 3323.141 of the Revised Code. 16876

(2) To enable the department of education to obtain the data 16877
needed to complete the calculation of payments pursuant to this 16878
chapter, in addition to the formula ADM, each superintendent shall 16879
report separately the average daily membership included in the 16880
report under division (D)(1) of this section for each of the 16881
following categories of students for the same week for which 16882
formula ADM is certified: 16883

(a) Students enrolled in each grade included in the joint 16884
vocational district schools; 16885

(b) Handicapped children receiving special education services 16886
for the category one handicap described in division (A) of section 16887
3317.013 of the Revised Code; 16888

(c) Handicapped children receiving special education services 16889
for the category two handicaps described in division (B) of 16890
section 3317.013 of the Revised Code; 16891

(d) Handicapped children receiving special education services 16892
for category three handicaps described in division (C) of section 16893
3317.013 of the Revised Code; 16894

(e) Handicapped children receiving special education services 16895
for category four handicaps described in division (D) of section 16896
3317.013 of the Revised Code; 16897

(f) Handicapped children receiving special education services 16898

for the category five handicap described in division (E) of 16899
section 3317.013 of the Revised Code; 16900

(g) Handicapped children receiving special education services 16901
for category six handicaps described in division (F) of section 16902
3317.013 of the Revised Code; 16903

(h) Students receiving category one vocational education 16904
services, described in division (A) of section 3317.014 of the 16905
Revised Code; 16906

(i) Students receiving category two vocational education 16907
services, described in division (B) of section 3317.014 of the 16908
Revised Code. 16909

The superintendent of each joint vocational school district 16910
shall also indicate the city, local, or exempted village school 16911
district in which each joint vocational district pupil is entitled 16912
to attend school pursuant to section 3313.64 or 3313.65 of the 16913
Revised Code. 16914

(E) In each school of each city, local, exempted village, 16915
joint vocational, and cooperative education school district there 16916
shall be maintained a record of school membership, which record 16917
shall accurately show, for each day the school is in session, the 16918
actual membership enrolled in regular day classes. For the purpose 16919
of determining average daily membership, the membership figure of 16920
any school shall not include any pupils except those pupils 16921
described by division (A) of this section. The record of 16922
membership for each school shall be maintained in such manner that 16923
no pupil shall be counted as in membership prior to the actual 16924
date of entry in the school and also in such manner that where for 16925
any cause a pupil permanently withdraws from the school that pupil 16926
shall not be counted as in membership from and after the date of 16927
such withdrawal. There shall not be included in the membership of 16928
any school any of the following: 16929

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 16930
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(2) Any pupil who is not a resident of the state; 16932

(3) Any pupil who was enrolled in the schools of the district 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; 16933
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(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge. 16938
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If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership. 16945
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Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education. 16950
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Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, 16959
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exempted village, or joint vocational school district shall be 16961
determined by dividing the figure representing the sum of the 16962
number of pupils enrolled during each day the school of attendance 16963
is actually open for instruction during the week for which the 16964
formula ADM is being certified by the total number of days the 16965
school was actually open for instruction during that week. For 16966
purposes of state funding, "enrolled" persons are only those 16967
pupils who are attending school, those who have attended school 16968
during the current school year and are absent for authorized 16969
reasons, and those handicapped children currently receiving home 16970
instruction. 16971

The average daily membership figure of any cooperative 16972
education school district shall be determined in accordance with 16973
rules adopted by the state board of education. 16974

(F)(1) If the formula ADM for the first full school week in 16975
February is at least three per cent greater than that certified 16976
for the first full school week in the preceding October, the 16977
superintendent of schools of any city, exempted village, or joint 16978
vocational school district or educational service center shall 16979
certify such increase to the superintendent of public instruction. 16980
Such certification shall be submitted no later than the fifteenth 16981
day of February. For the balance of the fiscal year, beginning 16982
with the February payments, the superintendent of public 16983
instruction shall use the increased formula ADM in calculating or 16984
recalculating the amounts to be allocated in accordance with 16985
section 3317.022 or 3317.16 of the Revised Code. In no event shall 16986
the superintendent use an increased membership certified to the 16987
superintendent after the fifteenth day of February. Division 16988
(F)(1) of this section does not apply after fiscal year ~~2005~~ 2006. 16989

(2) If on the first school day of April the total number of 16990
classes or units for handicapped preschool children that are 16991
eligible for approval under division (B) of section 3317.05 of the 16992

Revised Code exceeds the number of units that have been approved 16993
for the year under that division, the superintendent of schools of 16994
any city, exempted village, or cooperative education school 16995
district or educational service center shall make the 16996
certifications required by this section for that day. If the 16997
department determines additional units can be approved for the 16998
fiscal year within any limitations set forth in the acts 16999
appropriating moneys for the funding of such units, the department 17000
shall approve additional units for the fiscal year on the basis of 17001
such average daily membership. For each unit so approved, the 17002
department shall pay an amount computed in the manner prescribed 17003
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 17004
Code. 17005

(3) If a student attending a community school under Chapter 17006
3314. of the Revised Code is not included in the formula ADM 17007
certified for the school district in which the student is entitled 17008
to attend school under section 3313.64 or 3313.65 of the Revised 17009
Code, the department of education shall adjust the formula ADM of 17010
that school district to include the community school student in 17011
accordance with division (C)(2) of this section, and shall 17012
recalculate the school district's payments under this chapter for 17013
the entire fiscal year on the basis of that adjusted formula ADM. 17014
This requirement applies regardless of whether the student was 17015
enrolled, as defined in division (E) of this section, in the 17016
community school during the first full school week in October. 17017

(G)(1)(a) The superintendent of an institution operating a 17018
special education program pursuant to section 3323.091 of the 17019
Revised Code shall, for the programs under such superintendent's 17020
supervision, certify to the state board of education, in the 17021
manner prescribed by the superintendent of public instruction, 17022
both of the following: 17023

(i) The average daily membership of all handicapped children 17024

other than handicapped preschool children receiving services at 17025
the institution for each category of handicap described in 17026
divisions (A) to (F) of section 3317.013 of the Revised Code; 17027

(ii) The average daily membership of all handicapped 17028
preschool children in classes or programs approved annually by the 17029
department of education for unit funding under section 3317.05 of 17030
the Revised Code. 17031

(b) The superintendent of an institution with vocational 17032
education units approved under division (A) of section 3317.05 of 17033
the Revised Code shall, for the units under the superintendent's 17034
supervision, certify to the state board of education the average 17035
daily membership in those units, in the manner prescribed by the 17036
superintendent of public instruction. 17037

(2) The superintendent of each county MR/DD board that 17038
maintains special education classes under section 3317.20 of the 17039
Revised Code or units approved pursuant to section 3317.05 of the 17040
Revised Code shall do both of the following: 17041

(a) Certify to the state board, in the manner prescribed by 17042
the board, the average daily membership in classes under section 17043
3317.20 of the Revised Code for each school district that has 17044
placed children in the classes; 17045

(b) Certify to the state board, in the manner prescribed by 17046
the board, the number of all handicapped preschool children 17047
enrolled as of the first day of December in classes eligible for 17048
approval under division (B) of section 3317.05 of the Revised 17049
Code, and the number of those classes. 17050

(3)(a) If on the first school day of April the number of 17051
classes or units maintained for handicapped preschool children by 17052
the county MR/DD board that are eligible for approval under 17053
division (B) of section 3317.05 of the Revised Code is greater 17054
than the number of units approved for the year under that 17055

division, the superintendent shall make the certification required 17056
by this section for that day. 17057

(b) If the department determines that additional classes or 17058
units can be approved for the fiscal year within any limitations 17059
set forth in the acts appropriating moneys for the funding of the 17060
classes and units described in division (G)(3)(a) of this section, 17061
the department shall approve and fund additional units for the 17062
fiscal year on the basis of such average daily membership. For 17063
each unit so approved, the department shall pay an amount computed 17064
in the manner prescribed in sections 3317.052 and 3317.053 of the 17065
Revised Code. 17066

(H) Except as provided in division (I) of this section, when 17067
any city, local, or exempted village school district provides 17068
instruction for a nonresident pupil whose attendance is 17069
unauthorized attendance as defined in section 3327.06 of the 17070
Revised Code, that pupil's membership shall not be included in 17071
that district's membership figure used in the calculation of that 17072
district's formula ADM or included in the determination of any 17073
unit approved for the district under section 3317.05 of the 17074
Revised Code. The reporting official shall report separately the 17075
average daily membership of all pupils whose attendance in the 17076
district is unauthorized attendance, and the membership of each 17077
such pupil shall be credited to the school district in which the 17078
pupil is entitled to attend school under division (B) of section 17079
3313.64 or section 3313.65 of the Revised Code as determined by 17080
the department of education. 17081

(I)(1) A city, local, exempted village, or joint vocational 17082
school district admitting a scholarship student of a pilot project 17083
district pursuant to division (C) of section 3313.976 of the 17084
Revised Code may count such student in its average daily 17085
membership. 17086

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 3317.11 of the Revised Code, a unit funded pursuant to division ~~(P)~~(L) of section 3317.024 or division (A)(2) of section 3317.052 of the Revised Code shall not be approved for state funding in one school district, including any cooperative education school district or any educational service center, to the extent that such unit provides programs in or services to another district which receives payment pursuant to section 3317.04 of the Revised Code.

(2) Any city, local, exempted village, or cooperative education school district or any educational service center may

combine partial unit eligibility for handicapped preschool 17117
programs pursuant to section 3317.05 of the Revised Code, and such 17118
combined partial units may be approved for state funding in one 17119
school district or service center. 17120

(B) After units have been initially approved for any fiscal 17121
year under section 3317.05 of the Revised Code, no unit shall be 17122
subsequently transferred from a school district or educational 17123
service center to another city, exempted village, local, or 17124
cooperative education school district or educational service 17125
center or to an institution or county MR/DD board solely for the 17126
purpose of reducing the financial obligations of the school 17127
district in a fiscal year it receives payment pursuant to section 17128
3317.04 of the Revised Code. 17129

Sec. 3317.053. (A) As used in this section: 17130

(1) "State share percentage" has the same meaning as in 17131
section 3317.022 of the Revised Code. 17132

(2) "Dollar amount" means the amount shown in the following 17133
table for the corresponding type of unit: 17134

TYPE OF UNIT	DOLLAR AMOUNT	17135
Division (B) of section 3317.05		17136
of the Revised Code	\$8,334	17137
Division (C) of that section	\$3,234	17138
Division (E) of that section	\$5,550	17139

(3) "Average unit amount" means the amount shown in the 17140
following table for the corresponding type of unit: 17141

TYPE OF UNIT	AVERAGE UNIT AMOUNT	17142
Division (B) of section 3317.05		17143
of the Revised Code	\$7,799	17144
Division (C) of that section	\$2,966	17145
Division (E) of that section	\$5,251	17146

(B) In the case of each unit described in division (B), (C), 17147
or (E) of section 3317.05 of the Revised Code and allocated to a 17148
city, local, or exempted village school district, the department 17149
of education, in addition to the amounts specified in division 17150
(~~P~~)(L) of section 3317.024 and sections 3317.052 and 3317.19 of 17151
the Revised Code, shall pay a supplemental unit allowance equal to 17152
the sum of the following amounts: 17153

(1) An amount equal to 50% of the average unit amount for the 17154
unit; 17155

(2) An amount equal to the percentage of the dollar amount 17156
for the unit that equals the district's state share percentage. 17157

If, prior to the fifteenth day of May of a fiscal year, a 17158
school district's aid computed under section 3317.022 of the 17159
Revised Code is recomputed pursuant to section 3317.027 or 17160
3317.028 of the Revised Code, the department shall also recompute 17161
the district's entitlement to payment under this section utilizing 17162
a new state share percentage. Such new state share percentage 17163
shall be determined using the district's recomputed basic aid 17164
amount pursuant to section 3317.027 or 3317.028 of the Revised 17165
Code. During the last six months of the fiscal year, the 17166
department shall pay the district a sum equal to one-half of the 17167
recomputed payment in lieu of one-half the payment otherwise 17168
calculated under this section. 17169

(C)(1) In the case of each unit allocated to an institution 17170
pursuant to division (A) of section 3317.05 of the Revised Code, 17171
the department, in addition to the amount specified in section 17172
3317.052 of the Revised Code, shall pay a supplemental unit 17173
allowance of \$7,227. 17174

(2) In the case of each unit described in division (B) of 17175
section 3317.05 of the Revised Code that is allocated to any 17176
entity other than a city, exempted village, or local school 17177

district, the department, in addition to the amount specified in 17178
section 3317.052 of the Revised Code, shall pay a supplemental 17179
unit allowance of \$7,799. 17180

(3) In the case of each unit described in division (C) of 17181
section 3317.05 of the Revised Code and allocated to any entity 17182
other than a city, exempted village, or local school district, the 17183
department, in addition to the amounts specified in section 17184
3317.052 of the Revised Code, shall pay a supplemental unit 17185
allowance of \$2,966. 17186

(4) In the case of each unit described in division (E) of 17187
section 3317.05 of the Revised Code and allocated to an 17188
educational service center, the department, in addition to the 17189
amounts specified in division ~~(P)~~(L) of section 3317.024 of the 17190
Revised Code, shall pay a supplemental unit allowance of \$5,251. 17191

Sec. 3317.06. Moneys paid to school districts under division 17192
~~(L)~~(I) of section 3317.024 of the Revised Code shall be used for 17193
the following independent and fully severable purposes: 17194

(A) To purchase such secular textbooks or electronic 17195
textbooks as have been approved by the superintendent of public 17196
instruction for use in public schools in the state and to loan 17197
such textbooks or electronic textbooks to pupils attending 17198
nonpublic schools within the district or to their parents and to 17199
hire clerical personnel to administer such lending program. Such 17200
loans shall be based upon individual requests submitted by such 17201
nonpublic school pupils or parents. Such requests shall be 17202
submitted to the school district in which the nonpublic school is 17203
located. Such individual requests for the loan of textbooks or 17204
electronic textbooks shall, for administrative convenience, be 17205
submitted by the nonpublic school pupil or the pupil's parent to 17206
the nonpublic school, which shall prepare and submit collective 17207
summaries of the individual requests to the school district. As 17208

used in this section: 17209

(1) "Textbook" means any book or book substitute that a pupil 17210
uses as a consumable or nonconsumable text, text substitute, or 17211
text supplement in a particular class or program in the school the 17212
pupil regularly attends. 17213

(2) "Electronic textbook" means computer software, 17214
interactive videodisc, magnetic media, CD-ROM, computer 17215
courseware, local and remote computer assisted instruction, 17216
on-line service, electronic medium, or other means of conveying 17217
information to the student or otherwise contributing to the 17218
learning process through electronic means. 17219

(B) To provide speech and hearing diagnostic services to 17220
pupils attending nonpublic schools within the district. Such 17221
service shall be provided in the nonpublic school attended by the 17222
pupil receiving the service. 17223

(C) To provide physician, nursing, dental, and optometric 17224
services to pupils attending nonpublic schools within the 17225
district. Such services shall be provided in the school attended 17226
by the nonpublic school pupil receiving the service. 17227

(D) To provide diagnostic psychological services to pupils 17228
attending nonpublic schools within the district. Such services 17229
shall be provided in the school attended by the pupil receiving 17230
the service. 17231

(E) To provide therapeutic psychological and speech and 17232
hearing services to pupils attending nonpublic schools within the 17233
district. Such services shall be provided in the public school, in 17234
nonpublic schools, in public centers, or in mobile units located 17235
on or off of the nonpublic premises. If such services are provided 17236
in the public school or in public centers, transportation to and 17237
from such facilities shall be provided by the school district in 17238
which the nonpublic school is located. 17239

(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 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.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs 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 programs 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.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory

personnel to supervise the providing of services and textbooks 17271
pursuant to this section. 17272

(K) To purchase or lease any secular, neutral, and 17273
nonideological computer software (including site-licensing), 17274
prerecorded video laserdiscs, digital video on demand (DVD), 17275
compact discs, and video cassette cartridges, wide area 17276
connectivity and related technology as it relates to internet 17277
access, mathematics or science equipment and materials, 17278
instructional materials, and school library materials that are in 17279
general use in the public schools of the state and loan such items 17280
to pupils attending nonpublic schools within the district or to 17281
their parents, and to hire clerical personnel to administer the 17282
lending program. Only such items that are incapable of diversion 17283
to religious use and that are susceptible of loan to individual 17284
pupils and are furnished for the use of individual pupils shall be 17285
purchased and loaned under this division. As used in this section, 17286
"instructional materials" means prepared learning materials that 17287
are secular, neutral, and nonideological in character and are of 17288
benefit to the instruction of school children, and may include 17289
educational resources and services developed by the eTech Ohio 17290
commission. 17291

(L) To purchase or lease instructional equipment, including 17292
computer hardware and related equipment in general use in the 17293
public schools of the state, for use by pupils attending nonpublic 17294
schools within the district and to loan such items to pupils 17295
attending nonpublic schools within the district or to their 17296
parents, and to hire clerical personnel to administer the lending 17297
program. 17298

(M) To purchase mobile units to be used for the provision of 17299
services pursuant to divisions (E), (F), (G), and (I) of this 17300
section and to pay for necessary repairs and operating costs 17301
associated with these units. 17302

Clerical and supervisory personnel hired pursuant to division 17303
(J) of this section shall perform their services in the public 17304
schools, in nonpublic schools, public centers, or mobile units 17305
where the services are provided to the nonpublic school pupil, 17306
except that such personnel may accompany pupils to and from the 17307
service sites when necessary to ensure the safety of the children 17308
receiving the services. 17309

All services provided pursuant to this section may be 17310
provided under contract with educational service centers, the 17311
department of health, city or general health districts, or private 17312
agencies whose personnel are properly licensed by an appropriate 17313
state board or agency. 17314

Transportation of pupils provided pursuant to divisions (E), 17315
(F), (G), and (I) of this section shall be provided by the school 17316
district from its general funds and not from moneys paid to it 17317
under division ~~(L)~~(I) of section 3317.024 of the Revised Code 17318
unless a special transportation request is submitted by the parent 17319
of the child receiving service pursuant to such divisions. If such 17320
an application is presented to the school district, it may pay for 17321
the transportation from moneys paid to it under division ~~(L)~~(I) of 17322
section 3317.024 of the Revised Code. 17323

No school district shall provide health or remedial services 17324
to nonpublic school pupils as authorized by this section unless 17325
such services are available to pupils attending the public schools 17326
within the district. 17327

Materials, equipment, computer hardware or software, 17328
textbooks, electronic textbooks, and health and remedial services 17329
provided for the benefit of nonpublic school pupils pursuant to 17330
this section and the admission of pupils to such nonpublic schools 17331
shall be provided without distinction as to race, creed, color, or 17332
national origin of such pupils or of their teachers. 17333

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools and any payments made to school districts under division ~~(L)~~(I) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, electronic textbooks, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and services, and under which any unexpended balance of the amounts appropriated by the general assembly to implement this section may

be transferred to the auxiliary services personnel unemployment 17365
compensation fund established pursuant to section 4141.47 of the 17366
Revised Code. The department shall also adopt guidelines and 17367
procedures limiting the purchase and loan of the items described 17368
in division (K) of this section to items that are in general use 17369
in the public schools of the state, that are incapable of 17370
diversion to religious use, and that are susceptible to individual 17371
use rather than classroom use. Within thirty days after the end of 17372
each biennium, each board of education shall remit to the 17373
department all moneys paid to it under division ~~(L)~~(I) of section 17374
3317.024 of the Revised Code and any interest earned on those 17375
moneys that are not required to pay expenses incurred under this 17376
section during the biennium for which the money was appropriated 17377
and during which the interest was earned. If a board of education 17378
subsequently determines that the remittal of moneys leaves the 17379
board with insufficient money to pay all valid expenses incurred 17380
under this section during the biennium for which the remitted 17381
money was appropriated, the board may apply to the department of 17382
education for a refund of money, not to exceed the amount of the 17383
insufficiency. If the department determines the expenses were 17384
lawfully incurred and would have been lawful expenditures of the 17385
refunded money, it shall certify its determination and the amount 17386
of the refund to be made to the director of job and family 17387
services who shall make a refund as provided in section 4141.47 of 17388
the Revised Code. 17389

Sec. 3317.07. The state board of education shall establish 17390
rules for the purpose of distributing subsidies for the purchase 17391
of school buses under division ~~(E)~~(D) of section 3317.024 of the 17392
Revised Code. 17393

No school bus subsidy payments shall be paid to any district 17394
unless such district can demonstrate that pupils residing more 17395

than one mile from the school could not be transported without 17396
such additional aid. 17397

The amount paid to a county MR/DD board for buses purchased 17398
for transportation of children in special education programs 17399
operated by the board shall be based on a per pupil allocation for 17400
eligible students. 17401

The amount paid to a school district for buses purchased for 17402
transportation of handicapped and nonpublic school pupils shall be 17403
determined by a per pupil allocation based on the number of 17404
special education and nonpublic school pupils for whom 17405
transportation is provided. 17406

The state board of education shall adopt a formula to 17407
determine the amount of payments that shall be distributed to 17408
school districts to purchase school buses for pupils other than 17409
handicapped or nonpublic school pupils. 17410

If any district or MR/DD board obtains bus services for pupil 17411
transportation pursuant to a contract, such district or board may 17412
use payments received under this section to defray the costs of 17413
contracting for bus services in lieu of for purchasing buses. 17414

If the department of education determines that a county MR/DD 17415
board no longer needs a school bus because the board no longer 17416
transports children to a special education program operated by the 17417
board, or if the department determines that a school district no 17418
longer needs a school bus to transport pupils to a nonpublic 17419
school or special education program, the department may reassign a 17420
bus that was funded with payments provided pursuant to this 17421
section for the purpose of transporting such pupils. The 17422
department may reassign a bus to a county MR/DD board or school 17423
district that transports children to a special education program 17424
designated in the children's individualized education plans, or to 17425
a school district that transports pupils to a nonpublic school, 17426

and needs an additional school bus.

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Sec. 3317.082. As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code.

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(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of 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:

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(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

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section 3317.023 of the Revised Code; 17458

(2) If the tuition amount is greater than the amount of state 17459
basic aid funds payable to the district under sections 3317.022 17460
and 3317.023 of the Revised Code, require the district to pay to 17461
the institution submitting the statement an amount equal to the 17462
tuition amount. 17463

(B) In the case of any disagreement about the school district 17464
responsible to pay tuition for a child pursuant to this section, 17465
the superintendent of public instruction shall make the 17466
determination in any such case in accordance with division (C)(2) 17467
or (3) of section 3313.64 of the Revised Code. 17468

Sec. 3317.11. (A) As used in this section: 17469

(1) "Client school district" means a city or exempted village 17470
school district that has entered into an agreement under section 17471
3313.843 of the Revised Code to receive any services from an 17472
educational service center. 17473

(2) "Service center ADM" means the sum of the total student 17474
counts of all local school districts within an educational service 17475
center's territory and all of the service center's client school 17476
districts. 17477

(3) "Total student count" has the same meaning as in section 17478
3301.011 of the Revised Code. 17479

(B)(1) The governing board of each educational service center 17480
shall provide supervisory services to each local school district 17481
within the service center's territory. Each city or exempted 17482
village school district that enters into an agreement under 17483
section 3313.843 of the Revised Code for a governing board to 17484
provide any services also is considered to be provided supervisory 17485
services by the governing board. Except as provided in division 17486
(B)(2) of this section, the supervisory services shall not exceed 17487

one supervisory teacher for the first fifty classroom teachers 17488
required to be employed in the districts, as calculated under 17489
section 3317.023 of the Revised Code, and one for each additional 17490
one hundred required classroom teachers, as so calculated. 17491

The supervisory services shall be financed annually through 17492
supervisory units. Except as provided in division (B)(2) of this 17493
section, the number of supervisory units assigned to each district 17494
shall not exceed one unit for the first fifty classroom teachers 17495
required to be employed in the district, as calculated under 17496
section 3317.023 of the Revised Code, and one for each additional 17497
one hundred required classroom teachers, as so calculated. The 17498
cost of each supervisory unit shall be the sum of: 17499

(a) The minimum salary prescribed by section 3317.13 of the 17500
Revised Code for the licensed supervisory employee of the 17501
governing board; 17502

(b) An amount equal to fifteen per cent of the salary 17503
prescribed by section 3317.13 of the Revised Code; 17504

(c) An allowance for necessary travel expenses, limited to 17505
the lesser of two hundred twenty-three dollars and sixteen cents 17506
per month or two thousand six hundred seventy-eight dollars per 17507
year. 17508

(2) If a majority of the boards of education, or 17509
superintendents acting on behalf of the boards, of the local and 17510
client school districts receiving services from the educational 17511
service center agree to receive additional supervisory services 17512
and to pay the cost of a corresponding number of supervisory units 17513
in excess of the services and units specified in division (B)(1) 17514
of this section, the service center shall provide the additional 17515
services as agreed to by the majority of districts to, and the 17516
department of education shall apportion the cost of the 17517
corresponding number of additional supervisory units pursuant to 17518

division (B)(3) of this section among, all of the service center's 17519
local and client school districts. 17520

(3) The department shall apportion the total cost for all 17521
supervisory units among the service center's local and client 17522
school districts based on each district's total student count. The 17523
department shall deduct each district's apportioned share pursuant 17524
to division (E) of section 3317.023 of the Revised Code and pay 17525
the apportioned share to the service center. 17526

(C) The department annually shall deduct from each local and 17527
client school district of each educational service center, 17528
pursuant to division (E) of section 3317.023 of the Revised Code, 17529
and pay to the service center an amount equal to six dollars and 17530
fifty cents times the school district's total student count. The 17531
board of education, or the superintendent acting on behalf of the 17532
board, of any local or client school district may agree to pay an 17533
amount in excess of six dollars and fifty cents per student in 17534
total student count. If a majority of the boards of education, or 17535
superintendents acting on behalf of the boards, of the local 17536
school districts within a service center's territory approve an 17537
amount in excess of six dollars and fifty cents per student in 17538
total student count, the department shall deduct the approved 17539
excess per student amount from all of the local school districts 17540
within the service center's territory and pay the excess amount to 17541
the service center. 17542

(D) The department shall pay each educational service center 17543
the amounts due to it from school districts pursuant to contracts, 17544
compacts, or agreements under which the service center furnishes 17545
services to the districts or their students. In order to receive 17546
payment under this division, an educational service center shall 17547
furnish either a copy of the contract, compact, or agreement 17548
clearly indicating the amounts of the payments, or a written 17549
statement that clearly indicates the payments owed and is signed 17550

by the superintendent or treasurer of the responsible school 17551
district. The amounts paid to service centers under this division 17552
shall be deducted from payments to school districts pursuant to 17553
division (K)(3) of section 3317.023 of the Revised Code. 17554

(E) Each school district's deduction under this section and 17555
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 17556
shall be made from the total payment computed for the district 17557
under this chapter, after making any other adjustments in that 17558
payment required by law. 17559

(F)(1) Except as provided in division (F)(2) of this section, 17560
the department annually shall pay the governing board of each 17561
educational service center state funds equal to thirty-seven 17562
dollars times its service center ADM. 17563

(2) The department annually shall pay state funds equal to 17564
forty dollars and fifty-two cents times the service center ADM to 17565
each educational service center comprising territory that was 17566
included in the territory of at least three former service centers 17567
or county school districts, which former centers or districts 17568
engaged in one or more mergers under section 3311.053 of the 17569
Revised Code to form the present center. 17570

(G) Each city, exempted village, local, joint vocational, or 17571
cooperative education school district shall pay to the governing 17572
board of an educational service center any amounts agreed to for 17573
each child enrolled in the district who receives special education 17574
and related services or career-technical education from the 17575
educational service center, unless these educational services are 17576
provided pursuant to a contract, compact, or agreement for which 17577
the department deducts and transfers payments under division (D) 17578
of this section and division (K)(3) of section 3317.023 of the 17579
Revised Code. 17580

(H) An educational service center: 17581

(1) May provide special education and career-technical education to students in its local or client school districts;	17582 17583
(2) Is eligible for transportation funding under division (F) (G) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;	17584 17585 17586 17587
(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;	17588 17589 17590
(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.	17591 17592
Sec. 3317.19. (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following:	17593 17594
(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 <u>July 1, 2001</u> .	17595 17596 17597 17598 17599 17600 17601 17602 17603
(2) Fifteen per cent of the total computed under division (A)(1) of this section;	17604 17605
(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:	17606 17607 17608
(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;	17609 17610 17611

(b) Two thousand one hundred thirty-two dollars times the 17612
number of units or fraction thereof approved for the year under 17613
division (C) of section 3317.05 of the Revised Code. 17614

(B) The state board of education shall compute and distribute 17615
to each cooperative education school district for each fiscal year 17616
an amount equal to the sum of the following: 17617

(1) An amount equal to the total of the amounts credited to 17618
the cooperative education school district pursuant to division (K) 17619
of section 3317.023 of the Revised Code; 17620

(2) The total unit allowance; 17621

(3) An amount for assisting in providing free lunches to 17622
needy children and an amount for assisting needy school districts 17623
in purchasing necessary equipment for food preparation pursuant to 17624
division ~~(K)~~(H) of section 3317.024 of the Revised Code. 17625

(C) If a cooperative education school district has had 17626
additional special education units approved for the year under 17627
division (F)(2) of section 3317.03 of the Revised Code, the 17628
district shall receive an additional amount during the last half 17629
of the fiscal year. For each unit, the additional amount shall 17630
equal fifty per cent of the amount computed under division (A) of 17631
this section for a unit approved under division (B) of section 17632
3317.05 of the Revised Code. 17633

Sec. 3318.052. At any time after the electors of a school 17634
district have approved either or both a property tax levied under 17635
section 5705.21 or 5705.218 of the Revised Code for the purpose of 17636
permanent improvements, including general permanent improvements, 17637
or a school district income tax levied under Chapter 5748. of the 17638
Revised Code, the proceeds of either of which, pursuant to the 17639
ballot measures approved by the electors, are not so restricted 17640
that they cannot be used to pay the costs of a project or 17641

maintaining classroom facilities, the school district board may: 17642

(A) Within one year following the date of the certification 17643
of the conditional approval of the school district's classroom 17644
facilities project by the Ohio school facilities commission, enter 17645
into a written agreement with the commission, which may be part of 17646
an agreement entered into under section 3318.08 of the Revised 17647
Code, and in which the school district board covenants and agrees 17648
to do one or both of the following: 17649

(1) Apply a specified amount of available proceeds of that 17650
property tax levy, of that school district income tax, or of 17651
securities issued under this section, or of proceeds from any two 17652
or more of those sources, to pay all or part of the district's 17653
portion of the basic project cost of its classroom facilities 17654
project; 17655

(2) Apply available proceeds of either or both a property tax 17656
levied under section 5705.21 or 5705.218 of the Revised Code in 17657
effect for a continuing period of time, or of a school district 17658
income tax levied under Chapter 5748. of the Revised Code in 17659
effect for a continuing period of time to the payment of costs of 17660
maintaining the classroom facilities. 17661

(B) Receive, as a credit against the amount of bonds required 17662
under sections 3318.05 and 3318.06 of the Revised Code, to be 17663
approved by the electors of the district and issued by the 17664
district board for the district's portion of the basic project 17665
cost of its classroom facilities project in order for the district 17666
to receive state assistance for the project, an amount equal to 17667
the specified amount that the district board covenants and agrees 17668
with the commission to apply as set forth in division (A)(1) of 17669
this section; 17670

(C) Receive, as a credit against the amount of the tax levy 17671
required under sections 3318.05 and 3318.06 of the Revised Code, 17672

to be approved by the electors of the district to pay the costs of 17673
maintaining the classroom facilities in order to receive state 17674
assistance for the classroom facilities project, an amount 17675
equivalent to the specified amount of proceeds the school district 17676
board covenants and agrees with the commission to apply as 17677
referred to in division (A)(2) of this section; 17678

(D) Apply proceeds of either or both a school district income 17679
tax levied under Chapter 5748. of the Revised Code that may 17680
lawfully be used to pay the costs of a classroom facilities 17681
project or of a tax levied under section 5705.21 or 5705.218 of 17682
the Revised Code to the payment of debt charges on and financing 17683
costs related to securities issued under this section; 17684

(E) Issue securities to provide moneys to pay all or part of 17685
the district's portion of the basic project cost of its classroom 17686
facilities project in accordance with an agreement entered into 17687
under division (A) of this section. Securities issued under this 17688
section shall be Chapter 133. securities and may be issued as 17689
general obligation securities or issued in anticipation of a 17690
school district income tax or as property tax anticipation notes 17691
under section 133.24 of the Revised Code. The district board's 17692
resolution authorizing the issuance and sale of general obligation 17693
securities under this section shall conform to the applicable 17694
requirements of section 133.22 or 133.23 of the Revised Code. 17695
Securities issued under this section shall have principal payments 17696
during each year after the year of issuance over a period of not 17697
more than twenty-three years and, if so determined by the district 17698
board, during the year of issuance. Securities issued under this 17699
section shall not be included in the calculation of net 17700
indebtedness of the district under section 133.06 of the Revised 17701
Code and shall not count toward the limitations on unvoted 17702
indebtedness specified in division (G) of that section and in 17703
section 3313.372 of the Revised Code, if the resolution of the 17704

district board authorizing their issuance and sale includes 17705
covenants to appropriate annually from lawfully available proceeds 17706
of a property tax levied under section 5705.21 or 5705.218 of the 17707
Revised Code or of a school district income tax levied under 17708
Chapter 5748. of the Revised Code and to continue to levy and 17709
collect the tax in amounts necessary to pay the debt charges on 17710
and financing costs related to the securities as they become due. 17711
No property tax levied under section 5705.21 or 5705.218 of the 17712
Revised Code and no school district income tax levied under 17713
Chapter 5748. of the Revised Code that is pledged, or that the 17714
school district board has covenanted to levy, collect, and 17715
appropriate annually, to pay the debt charges on and financing 17716
costs related to securities issued under this section shall be 17717
repealed while those securities are outstanding. If such a tax is 17718
reduced by the electors of the district or by the district board 17719
while those securities are outstanding, the school district board 17720
shall continue to levy and collect the tax under the authority of 17721
the original election authorizing the tax at a rate in each year 17722
that the board reasonably estimates will produce an amount in that 17723
year equal to the debt charges on the securities in that year, 17724
except that in the case of a school district income tax that 17725
amount shall be rounded up to the nearest one-fourth of one per 17726
cent. 17727

No state moneys shall be released for a project to which this 17728
section applies until the proceeds of the tax securities issued 17729
under this section that are dedicated for the payment of the 17730
district portion of the basic project cost of its classroom 17731
facilities project are first deposited into the district's project 17732
construction fund. 17733

Sec. 3318.37. (A)(1) As used in this section: 17734

(a) "Large land area school district" means a school district 17735

with a territory of greater than three hundred square miles in any 17736
percentile as determined under section 3318.011 of the Revised 17737
Code. 17738

(b) "Low wealth school district" means a school district in 17739
the first through ~~fiftieth~~ seventy-fifth percentiles as determined 17740
under section 3318.011 of the Revised Code. 17741

(c) A "school district with an exceptional need for immediate 17742
classroom facilities assistance" means a low wealth or large land 17743
area school district with an exceptional need for new facilities 17744
in order to protect the health and safety of all or a portion of 17745
its students. 17746

(2) No school district reasonably expected to be eligible for 17747
state assistance under sections 3318.01 to 3318.20 of the Revised 17748
Code within three fiscal years after the year of the application 17749
for assistance under this section shall be eligible for assistance 17750
under this section, unless the district's entire classroom 17751
facilities plan consists of only a single building designed to 17752
house grades kindergarten through twelve and the district 17753
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 17754
of this section. 17755

(3) No school district that participates in the school 17756
building assistance expedited local partnership program under 17757
section 3318.36 of the Revised Code shall receive assistance under 17758
the program established under this section unless the following 17759
conditions are satisfied: 17760

(a) The district board adopted a resolution certifying its 17761
intent to participate in the school building assistance expedited 17762
local partnership program under section 3318.36 of the Revised 17763
Code prior to September 14, 2000. 17764

(b) The district was selected by the Ohio school facilities 17765
commission for participation in the school building assistance 17766

expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000.

(B)(1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio school facilities commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance.

(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance.

(b) The guidelines shall include application forms and instructions for school districts to use in applying for assistance under this section.

(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed.

Notwithstanding section 3318.02 of the Revised Code, the commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside under division (B)(1) of this section have been encumbered. However, the commission need not conduct the evaluation of facilities if the commission determines that a district's assessment conducted under section 3318.36 of the Revised Code is sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the

Revised Code, the school district's portion of the basic project 17798
cost under this section shall be the "required percentage of the 17799
basic project costs," as defined in division (K) of section 17800
3318.01 of the Revised Code. 17801

(5) Except as otherwise specified in this section, any 17802
project undertaken with assistance under this section shall comply 17803
with all provisions of sections 3318.01 to 3318.20 of the Revised 17804
Code. A school district may receive assistance under sections 17805
3318.01 to 3318.20 of the Revised Code for the remainder of the 17806
district's classroom facilities needs as assessed under this 17807
section when the district is eligible for such assistance pursuant 17808
to section 3318.02 of the Revised Code, but any classroom facility 17809
constructed with assistance under this section shall not be 17810
included in a district's project at that time unless the 17811
commission determines the district has experienced the increased 17812
enrollment specified in division (B)(1) of section 3318.04 of the 17813
Revised Code. 17814

(C) No school district shall receive assistance under this 17815
section for a classroom facility that has been included in the 17816
discrete part of the district's classroom facilities needs 17817
identified and addressed in the district's project pursuant to an 17818
agreement entered into under section 3318.36 of the Revised Code, 17819
unless the district's entire classroom facilities plan consists of 17820
only a single building designed to house grades kindergarten 17821
through twelve. 17822

Sec. 3319.17. (A) As used in this section, "interdistrict 17823
contract" means any contract or agreement entered into by an 17824
educational service center governing board and another board or 17825
other public entity pursuant to section 3313.17, 3313.841, 17826
3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, 17827
including any such contract or agreement for the provision of 17828

services funded under division ~~(L)~~(I) of section 3317.024 of the 17829
Revised Code or provided in any unit approved under section 17830
3317.05 of the Revised Code. 17831

(B) When, for any of the following reasons that apply to any 17832
city, exempted village, local, or joint vocational school district 17833
or any educational service center, the board decides that it will 17834
be necessary to reduce the number of teachers it employs, it may 17835
make a reasonable reduction: 17836

(1) In the case of any district or service center, return to 17837
duty of regular teachers after leaves of absence including leaves 17838
provided pursuant to division (B) of section 3314.10 of the 17839
Revised Code, suspension of schools, territorial changes affecting 17840
the district or center, or financial reasons; 17841

(2) In the case of any city, exempted village, local, or 17842
joint vocational school district, decreased enrollment of pupils 17843
in the district; 17844

(3) In the case of any governing board of a service center 17845
providing any particular service directly to pupils pursuant to 17846
one or more interdistrict contracts requiring such service, 17847
reduction in the total number of pupils the governing board is 17848
required to provide with the service under all interdistrict 17849
contracts as a result of the termination or nonrenewal of one or 17850
more of these interdistrict contracts; 17851

(4) In the case of any governing board providing any 17852
particular service that it does not provide directly to pupils 17853
pursuant to one or more interdistrict contracts requiring such 17854
service, reduction in the total level of the service the governing 17855
board is required to provide under all interdistrict contracts as 17856
a result of the termination or nonrenewal of one or more of these 17857
interdistrict contracts. 17858

(C) In making any such reduction, any city, exempted village, 17859

local, or joint vocational school board shall proceed to suspend 17860
contracts in accordance with the recommendation of the 17861
superintendent of schools who shall, within each teaching field 17862
affected, give preference first to teachers on continuing 17863
contracts and then to teachers who have greater seniority. In 17864
making any such reduction, any governing board of a service center 17865
shall proceed to suspend contracts in accordance with the 17866
recommendation of the superintendent who shall, within each 17867
teaching field or service area affected, give preference first to 17868
teachers on continuing contracts and then to teachers who have 17869
greater seniority. 17870

On a case-by-case basis, in lieu of suspending a contract in 17871
whole, a board may suspend a contract in part, so that an 17872
individual is required to work a percentage of the time the 17873
employee otherwise is required to work under the contract and 17874
receives a commensurate percentage of the full compensation the 17875
employee otherwise would receive under the contract. 17876

The teachers whose continuing contracts are suspended by any 17877
board pursuant to this section shall have the right of restoration 17878
to continuing service status by that board in the order of 17879
seniority of service in the district or service center if and when 17880
teaching positions become vacant or are created for which any of 17881
such teachers are or become qualified. No teacher whose continuing 17882
contract has been suspended pursuant to this section shall lose 17883
that right of restoration to continuing service status by reason 17884
of having declined recall to a position that is less than 17885
full-time or, if the teacher was not employed full-time just prior 17886
to suspension of the teacher's continuing contract, to a position 17887
requiring a lesser percentage of full-time employment than the 17888
position the teacher last held while employed in the district or 17889
service center. 17890

(D) Notwithstanding any provision to the contrary in Chapter 17891

4117. of the Revised Code, the requirements of this section 17892
prevail over any conflicting provisions of agreements between 17893
employee organizations and public employers entered into after ~~the~~ 17894
~~effective date of this amendment~~ September 29, 2005. 17895

Sec. 3323.091. (A) The department of mental health, the 17896
department of mental retardation and developmental disabilities, 17897
the department of youth services, and the department of 17898
rehabilitation and correction shall establish and maintain special 17899
education programs for handicapped children in institutions under 17900
their jurisdiction according to standards adopted by the state 17901
board of education. 17902

(B) The superintendent of each state institution required to 17903
provide services under division (A) of this section, and each 17904
county MR/DD board, providing special education for handicapped 17905
preschool children under this chapter may apply to the state 17906
department of education for unit funding, which shall be paid in 17907
accordance with sections 3317.052 and 3317.053 of the Revised 17908
Code. 17909

The superintendent of each state institution required to 17910
provide services under division (A) of this section may apply to 17911
the department of education for special education and related 17912
services weighted funding for handicapped children other than 17913
handicapped preschool children, calculated in accordance with 17914
section 3317.201 of the Revised Code. 17915

Each county MR/DD board providing special education for 17916
handicapped children other than handicapped preschool children may 17917
apply to the department of education for base cost and special 17918
education and related services weighted funding calculated in 17919
accordance with section 3317.20 of the Revised Code. 17920

(C) In addition to the authorization to apply for state 17921

funding described in division (B) of this section, each state 17922
institution required to provide services under division (A) of 17923
this section is entitled to tuition payments calculated in the 17924
manner described in division (C) of this section. 17925

On or before the thirtieth day of June of each year, the 17926
superintendent of each institution that during the school year 17927
provided special education pursuant to this section shall prepare 17928
a statement for each handicapped child under twenty-two years of 17929
age who has received special education. The statement shall 17930
contain the child's ~~name~~ data verification code assigned pursuant 17931
to division (D)(2) of section 3301.0714 of the Revised Code and 17932
the name of the child's school district of residence. Within sixty 17933
days after receipt of such statement, the department of education 17934
shall perform one of the following: 17935

(1) For any child except a handicapped preschool child 17936
described in division (C)(2) of this section, pay to the 17937
institution submitting the statement an amount equal to the 17938
tuition calculated under division (A) of section 3317.08 of the 17939
Revised Code for the period covered by the statement, and deduct 17940
the same from the amount of state funds, if any, payable under 17941
sections 3317.022 and 3317.023 of the Revised Code, to the child's 17942
school district of residence or, if the amount of such state funds 17943
is insufficient, require the child's school district of residence 17944
to pay the institution submitting the statement an amount equal to 17945
the amount determined under this division. 17946

(2) For any handicapped preschool child not included in a 17947
unit approved under division (B) of section 3317.05 of the Revised 17948
Code, perform the following: 17949

(a) Pay to the institution submitting the statement an amount 17950
equal to the tuition calculated under division (B) of section 17951
3317.08 of the Revised Code for the period covered by the 17952

statement, except that in calculating the tuition under that 17953
section the operating expenses of the institution submitting the 17954
statement under this section shall be used instead of the 17955
operating expenses of the school district of residence; 17956

(b) Deduct from the amount of state funds, if any, payable 17957
under sections 3317.022 and 3317.023 of the Revised Code to the 17958
child's school district of residence an amount equal to the amount 17959
paid under division (C)(2)(a) of this section. 17960

Sec. 3323.13. (A) If a child who is a school resident of one 17961
school district receives special education from another district, 17962
the board of education of the district providing the education, 17963
subject to division (C) of this section, may require the payment 17964
by the board of education of the district of residence of a sum 17965
not to exceed one of the following, as applicable: 17966

~~(A)~~(1) For any child except a handicapped preschool child 17967
described in division ~~(B)~~(A)(2) of this section, the tuition of 17968
the district providing the education for a child of normal needs 17969
of the same school grade. The determination of the amount of such 17970
tuition shall be in the manner provided for by division (A) of 17971
section 3317.08 of the Revised Code. 17972

~~(B)~~(2) For any handicapped preschool child not included in a 17973
unit approved under division (B) of section 3317.05 of the Revised 17974
Code, the tuition of the district providing the education for the 17975
child as calculated under division (B) of section 3317.08 of the 17976
Revised Code. 17977

(B) The board of the district of residence may contract with 17978
the board of another district for the transportation of such child 17979
into any school in such other district, on terms agreed upon by 17980
such boards. Upon direction of the state board of education, the 17981
board of the district of residence shall pay for the child's 17982

transportation and the tuition. 17983

(C) The board of education of a district providing the 17984
education for a child shall be entitled to require payment from 17985
the district of residence under this section or section 3323.14 of 17986
the Revised Code only if the district providing the education has 17987
done at least one of the following: 17988

(1) Invited the district of residence to send representatives 17989
to attend the meetings of the team developing the child's 17990
individualized education program; 17991

(2) Received from the district of residence a copy of the 17992
individualized education program or a multi-factored evaluation 17993
developed for the child by the district of residence; 17994

(3) Informed the district of residence in writing that the 17995
district is providing the education for the child. 17996

As used in division (C)(2) of this section, "multi-factored 17997
evaluation" means an evaluation, conducted by a multi-disciplinary 17998
team, of more than one area of the child's functioning so that no 17999
single procedure shall be the sole criterion for determining an 18000
appropriate educational program placement for the child. 18001

Sec. 3323.143. If a handicapped child's custodial parent has 18002
made a unilateral placement of the child, the parent shall be 18003
responsible for payment of tuition to the program or facility the 18004
child is attending as a result of that placement as long as the 18005
district of residence has offered a free appropriate public 18006
education to that child. As used in this section, "unilateral 18007
placement" means withdrawing a handicapped child from a program or 18008
facility operated by the district of residence or from a program 18009
or facility with which the district of residence has arranged for 18010
education of the child and instead enrolling that child in another 18011
program or facility that is not a home, as defined in section 18012

3313.64 of the Revised Code, or that is not a facility or program 18013
available to the child pursuant to an open enrollment policy under 18014
section 3313.98 or 3313.983 of the Revised Code. 18015

Sec. 3323.20. On July 1, 2006, and on each first day of July 18016
thereafter, the department of education shall electronically 18017
report to the general assembly the number of handicapped preschool 18018
children who received services for which the department made a 18019
payment to any provider during the previous fiscal year, 18020
disaggregated according to each ~~category~~ area of ~~handicap~~ 18021
~~described in divisions (A) to (F) of section 3317.013 of the~~ 18022
~~Revised Code, regardless of whether payment for services was based~~ 18023
~~on the multiples prescribed in those divisions~~ developmental 18024
deficiency identified by the department for the evaluation of such 18025
children. 18026

Sec. 3325.12. Money deposited with the superintendent of the 18027
state school for the blind and the superintendent of the state 18028
school for the deaf by parents, relatives, guardians, and friends 18029
for the special benefit of any pupil shall remain in the hands of 18030
the respective superintendent for use accordingly. Each 18031
superintendent shall deposit the money into one or more personal 18032
deposit funds. Each superintendent shall keep itemized book 18033
accounts of the receipt and disposition of the money, which books 18034
shall be open at all times to the inspection of the superintendent 18035
of public instruction. The superintendent of the state school for 18036
the blind and the superintendent of the state school for the deaf 18037
each shall adopt rules governing the deposit, transfer, 18038
withdrawal, or investment of the money and the investment earnings 18039
of the money. 18040

Whenever a pupil ceases to be enrolled in the state school 18041
for the blind or the state school for the deaf, if personal money 18042

of the pupil remains in the hands of the respective superintendent 18043
and no demand is made upon the superintendent by the pupil or the 18044
pupil's parent or guardian, the superintendent shall hold the 18045
money in a personal deposit fund for a period of at least one 18046
year. During that time, the superintendent shall make every effort 18047
possible to locate the pupil or the pupil's parent or guardian. 18048
If, at the end of this period, no demand has been made for the 18049
money held by the state school for the blind, the superintendent 18050
of the state school for the blind shall dispose of the money by 18051
transferring it to the state school for the blind student activity 18052
and work-study fund established by section 3325.11 of the Revised 18053
Code. If at the end of this period, no demand has been made for 18054
the money held by the state school for the deaf, the 18055
superintendent of the state school for the deaf shall dispose of 18056
the money by transferring it to the state school for the deaf 18057
educational program expenses fund established by section 3325.16 18058
of the Revised Code. 18059

Sec. 3345.05. (A) All registration fees, nonresident tuition 18060
fees, academic fees for the support of off-campus instruction, 18061
laboratory and course fees when so assessed and collected, student 18062
health fees for the support of a student health service, all other 18063
fees, deposits, charges, receipts, and income from all or part of 18064
the students, all subsidy or other payments from state 18065
appropriations, and all other fees, deposits, charges, receipts, 18066
and income received by each ~~state-supported university and college~~ 18067
state institution of higher education, as defined in section 18068
3345.011 of the Revised Code, the Ohio state university hospitals 18069
and their ancillary facilities, the Ohio agricultural research and 18070
development center, and the Ohio state university cooperative 18071
extension service shall be held and administered by the respective 18072
boards of trustees of the ~~state-supported universities and~~ 18073
~~colleges~~ state institutions of higher education; provided, that 18074

such fees, deposits, charges, receipts, and income, to the extent 18075
required by resolutions, trust agreements, indentures, leases, and 18076
agreements adopted, made, or entered into under Chapter 154. or 18077
section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 18078
held, administered, transferred, and applied in accordance 18079
therewith. 18080

(B) The Ohio board of regents shall require annual reporting 18081
by the Ohio agricultural research and development center and by 18082
each ~~university and college~~ state institution of higher education 18083
receiving state aid in such form and detail as determined by the 18084
board in consultation with such center, ~~universities and colleges~~ 18085
institutions, and the director of budget and management. 18086

(C) Notwithstanding any provision of the Revised Code to the 18087
contrary, the title to investments made by the board of trustees 18088
of a ~~state supported university or college~~ state institution of 18089
higher education with funds derived from revenues described in 18090
division (A) of this section shall not be vested in the state but 18091
shall be held in trust by the board. Such investments shall be 18092
made pursuant to an investment policy adopted by the board in 18093
public session that requires all fiduciaries to discharge their 18094
duties with the care, skill, prudence, and diligence under the 18095
circumstances then prevailing that a prudent person acting in like 18096
capacity and familiar with such matters would use in the conduct 18097
of an enterprise of a like character and with like aims. The 18098
policy also shall require at least the following: 18099

(1) A stipulation that investment be made only in publicly 18100
traded securities averaging at least twenty-five per cent of the 18101
average amount of the investment portfolio over the course of the 18102
previous fiscal year invested in securities of the United States 18103
government or of its agencies or instrumentalities, the treasurer 18104
of state's pooled investment program, obligations of this state or 18105
any political subdivision of this state, certificates of deposit 18106

of any national bank located in this state, written repurchase 18107
agreements with any eligible Ohio financial institution that is a 18108
member of the federal reserve system or federal home loan bank, 18109
money market funds, or bankers acceptances maturing in two hundred 18110
seventy days or less which are eligible for purchase by the 18111
federal reserve system, as a reserve; 18112

(2) The establishment of an investment committee. 18113

(D) The investment committee established under division 18114
(C)(2) of this section shall meet at least quarterly. The 18115
committee shall review and recommend revisions to the board's 18116
investment policy and shall advise the board on its investments 18117
made under division (C) of this section in an effort to assist it 18118
in meeting its obligations as a fiduciary as described in division 18119
(C) of this section. The committee shall be authorized to retain 18120
the services of an investment advisor who meets both of the 18121
following qualifications: 18122

(1) The advisor is either: 18123

(a) Licensed by the division of securities under section 18124
1707.141 of the Revised Code; 18125

(b) Registered with the securities and exchange commission. 18126

(2) The advisor either: 18127

(a) Has experience in the management of investments of public 18128
funds, especially in the investment of state-government investment 18129
portfolios; 18130

(b) Is an eligible institution referenced in section 135.03 18131
of the Revised Code. 18132

Sec. 3353.02. (A) There is hereby created the eTech Ohio 18133
commission as an independent agency to advance education and 18134
accelerate the learning of the citizens of this state through 18135

technology. The commission shall provide leadership and support in 18136
extending the knowledge of the citizens of this state by promoting 18137
access to and use of all forms of educational technology, 18138
including educational television and radio, radio reading 18139
services, broadband networks, videotapes, compact discs, digital 18140
video on demand (DVD), and the internet. The commission also shall 18141
administer programs to provide financial and other assistance to 18142
school districts and other educational institutions for the 18143
acquisition and utilization of educational technology. 18144

The commission is a body corporate and politic, an agency of 18145
the state performing essential governmental functions of the 18146
state. 18147

(B) The commission shall consist of thirteen members, nine of 18148
whom shall be voting members. Six of the voting members shall be 18149
representatives of the public. Of the representatives of the 18150
public, four shall be appointed by the governor with the advice 18151
and consent of the senate, one shall be appointed by the speaker 18152
of the house of representatives, and one shall be appointed by the 18153
president of the senate. The superintendent of public instruction 18154
or a designee of the superintendent, the chancellor of the Ohio 18155
board of regents or a designee of the chancellor, and the director 18156
of ~~administrative services~~ the office of information technology or 18157
a designee of the director shall be ex officio voting members. Of 18158
the nonvoting members, two shall be members of the house of 18159
representatives appointed by the speaker of the house of 18160
representatives and two shall be members of the senate appointed 18161
by the president of the senate. The members appointed from each 18162
chamber shall not be members of the same political party. 18163

(C) Initial terms of office for members appointed by the 18164
governor shall be one year for one member, two years for one 18165
member, three years for one member, and four years for one member. 18166

At the first meeting of the commission, members appointed by the
governor shall draw lots to determine the length of the term each
member will serve. Thereafter, terms of office for members
appointed by the governor shall be for four years. Terms of office
for voting members appointed by the speaker of the house of
representatives and the president of the senate shall be for four
years. Any member who is a representative of the public may be
reappointed by the member's respective appointing authority, but
no such member may serve more than two consecutive four-year
terms. Such a member may be removed by the member's respective
appointing authority for cause.

Any legislative member appointed by the speaker of the house
of representatives or the president of the senate who ceases to be
a member of the legislative chamber from which the member was
appointed shall cease to be a member of the commission. The
speaker of the house of representatives and the president of the
senate may remove their respective appointments to the commission
at any time.

(D) Vacancies among appointed members shall be filled in the
manner provided for original appointments. Any member appointed to
fill a vacancy occurring prior to the expiration of the term for
which the member's predecessor was appointed shall hold office for
the remainder of that term. Any appointed member shall continue in
office subsequent to the expiration of that member's term until
the member's successor takes office or until a period of sixty
days has elapsed, whichever occurs first.

(E) Members of the commission shall serve without
compensation. The members who are representatives of the public
shall be reimbursed, pursuant to office of budget and management
guidelines, for actual and necessary expenses incurred in the
performance of official duties.

(F) The governor shall appoint the chairperson of the 18198
commission from among the commission's voting members. The 18199
chairperson shall serve a term of two years and may be 18200
reappointed. The commission shall elect other officers as 18201
necessary from among its voting members and shall prescribe its 18202
rules of procedure. 18203

(G) The commission shall establish advisory groups as needed 18204
to address topics of interest and to provide guidance to the 18205
commission regarding educational technology issues and the 18206
technology needs of educators, learners, and the public. Members 18207
of each advisory group shall be appointed by the commission and 18208
shall include representatives of individuals or organizations with 18209
an interest in the topic addressed by the advisory group. 18210

Sec. 3354.10. (A) All funds under the control of a board of 18211
trustees of a community college district, regardless of the source 18212
thereof, may be deposited by such board to its credit in banks or 18213
trust companies designated by it. Such banks or trust companies 18214
shall furnish security for every such deposit to the extent and in 18215
the manner provided in section 135.18 of the Revised Code, but no 18216
such deposit shall otherwise be subject to sections 135.01 to 18217
135.21 of the Revised Code. Thereupon, such funds may be disbursed 18218
by the board of trustees for the uses and purposes of such 18219
district. No contract of the board involving the expenditure of 18220
money shall become effective until there is placed thereon by the 18221
treasurer as fiscal officer of the district the certificate 18222
provided for by section 5705.41 of the Revised Code. 18223

(B) The board of trustees of a community college district may 18224
~~by resolution provide that moneys of such district be invested in~~ 18225
~~obligations of such district, in bonds or other obligations of the~~ 18226
~~United States or those for which the payment of principal and~~ 18227
~~interest of which the faith of the United States is pledged, bonds~~ 18228

~~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 18261
Revised Code. 18262

The managing authority of the university branch district may 18263
select a depository for the funds of a district, in the manner 18264
provided in sections 135.01 to 135.21, inclusive, of the Revised 18265
Code, upon the adoption of a resolution declaring such intent, 18266
which resolution shall be certified to the board of county 18267
commissioners and to the treasurer in the counties in which such 18268
district is located. In such event the board of trustees shall 18269
thereupon become the governing board for such district with 18270
respect to the deposit of funds of such district. 18271

Sec. 3357.10. (A) The board of trustees of a technical 18272
college district shall elect a treasurer, who is not a member of 18273
the board, to serve at its pleasure. The treasurer may be the 18274
person serving as secretary under section 3357.06 of the Revised 18275
Code. The treasurer shall be the fiscal officer of the district 18276
and shall receive and disburse all funds of the district under the 18277
direction of the board. No contract of the board involving the 18278
expenditure of money shall become effective until the treasurer 18279
certifies that there are funds of the board otherwise 18280
unappropriated sufficient to provide therefor. 18281

When the treasurer of the district ceases to hold such 18282
office, the treasurer or the treasurer's legal representatives 18283
shall deliver to the board or to the treasurer's successor all 18284
moneys, books, papers, and other property of the district in the 18285
treasurer's possession as treasurer. In case of the death or 18286
incapacity of the treasurer, the treasurer's legal representatives 18287
shall, in like manner, deliver all moneys, books, papers, and 18288
other property of the district to the board or to the person named 18289
as the treasurer's successor. 18290

(B) All funds under the control of a board of trustees of a 18291

technical college district, regardless of the source of the funds, 18292
may be deposited by the board to its credit in banks or trust 18293
companies designated by it. The banks or trust companies shall 18294
furnish security for every deposit to the extent and in the manner 18295
provided in section 135.18 of the Revised Code, but no deposit 18296
shall otherwise be subject to sections 135.01 to 135.21 of the 18297
Revised Code. Funds deposited in a bank or trust company may be 18298
disbursed by the board of trustees for the uses and purposes of 18299
the district. 18300

(C) The board may provide for the investment of district 18301
funds according to the provisions of section 3345.05 of the 18302
Revised Code. 18303

Sec. 3358.06. (A) The treasurer of each state community 18304
college district shall be its fiscal officer, and ~~he~~ the treasurer 18305
shall receive and disburse all funds under the direction of the 18306
college president. No contract of the college's board of trustees 18307
involving the expenditure of money shall become effective until 18308
the treasurer certifies that there are funds of the board 18309
otherwise uncommitted and sufficient to provide therefor. 18310

When the treasurer ceases to hold the office, ~~he~~ the 18311
treasurer or ~~his~~ the treasurer's legal representative shall 18312
deliver to ~~his~~ the treasurer's successor or the president all 18313
moneys, books, papers, and other property of the college. 18314

Before entering upon the discharge of ~~his~~ official duties, 18315
the treasurer shall give bond to the state for the faithful 18316
performance of ~~his~~ official duties and the proper accounting for 18317
all moneys coming into ~~his~~ the treasurer's care. The amount of the 18318
bond shall be determined by the board but shall not be for a sum 18319
less than the estimated amount that may come into ~~his~~ the 18320
treasurer's control at any time. The bond shall be approved by the 18321
attorney general. 18322

(B) The board of trustees may provide for the investment of 18323
district funds according to the provisions of section 3345.05 of 18324
the Revised Code. 18325

Sec. 3365.02. There is hereby established the post-secondary 18326
enrollment options program under which a secondary grade student 18327
who is a resident of this state may enroll at a college, on a 18328
full- or part-time basis, and complete nonsectarian courses for 18329
high school and college credit. 18330

Secondary grade students in a nonpublic school may 18331
participate in the post-secondary enrollment options program if 18332
the chief administrator of such school notifies the department of 18333
education by the first day of April prior to the school year in 18334
which the school's students will participate. 18335

The state board of education, after consulting with the board 18336
of regents, shall adopt rules governing the program. The rules 18337
shall include: 18338

(A) Requirements for school districts, community schools, or 18339
participating nonpublic schools to provide information about the 18340
program prior to the first day of March of each year to all 18341
students enrolled in grades eight through eleven; 18342

(B) A requirement that a student or the student's parent 18343
inform the district board of education, the governing authority of 18344
a community school, or the nonpublic school administrator by the 18345
thirtieth day of March of the student's intent to participate in 18346
the program during the following school year. The rule shall 18347
provide that any student who fails to notify a district board, the 18348
governing authority of a community school, or the nonpublic school 18349
administrator by the required date may not participate in the 18350
program during the following school year without the written 18351
consent of the district superintendent, the governing authority of 18352

a community school, or the nonpublic school administrator.	18353
(C) Requirements that school districts and community schools provide counseling services to students in grades eight through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible risks and consequences of participation. Counseling information shall include without limitation:	18354
(1) Program eligibility;	18355
(2) The process for granting academic credits;	18356
(3) Financial arrangements for tuition, books, materials, and fees;	18357
(4) Criteria for any transportation aid;	18358
(5) Available support services;	18359
(6) Scheduling;	18360
(7) The consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;	18361
(8) The effect of program participation on the student's ability to complete the district's, community school's, or nonpublic school's graduation requirements;	18362
(9) The academic and social responsibilities of students and parents under the program;	18363
(10) Information about and encouragement to use the counseling services of the college in which the student intends to enroll.	18364
(D) A requirement that the student and the student's parent sign a form, provided by the school district or school, stating	18365
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that they have received the counseling required by division (C) of 18382
this section and that they understand the responsibilities they 18383
must assume in the program; 18384

(E) The options required by section 3365.04 of the Revised 18385
Code; 18386

(F) A requirement that a student may not enroll in any 18387
specific college course through the program if the student has 18388
taken high school courses in the same subject area as that college 18389
course and has failed to attain a cumulative grade point average 18390
of at least 3.0 on a 4.0 scale, or the equivalent, in such 18391
completed high school courses; 18392

~~(G) A requirement that a student or the student's parent will 18393
reimburse the state for the amount of state funds paid to a 18394
college for a course in which the student is enrolled under this 18395
chapter if the student does not attain a passing final grade in 18396
that course. 18397~~

Sec. 3365.11. (A) If the superintendent of the school 18398
district or the chief administrator of the community school in 18399
which a participant is enrolled determines that the participant 18400
has not attained a passing final grade in a college course in 18401
which the participant enrolled under this chapter, the 18402
superintendent or chief administrator shall seek reimbursement 18403
from the participant or the participant's parent for the amount of 18404
state funds paid to the college on behalf of the participant for 18405
that college course. The board of education of the school district 18406
or the governing authority of the community school, in accordance 18407
with division (C) of section 3313.642 of the Revised Code, may 18408
withhold grades and credits received by the participant for 18409
district or community school courses taken by the participant 18410
until the participant or the participant's parent provides 18411
reimbursement. 18412

(B) If the chief administrator of the nonpublic school in 18413
which a participant is enrolled determines that the participant 18414
has not attained a passing final grade in a college course in 18415
which the participant enrolled under this chapter, the chief 18416
administrator shall seek reimbursement from the participant or the 18417
participant's parent for the amount of state funds paid to the 18418
college on behalf of the participant for enrollment in that 18419
college course. Upon the collection of any funds from a 18420
participant or participant's parent under this division, the chief 18421
administrator of a nonpublic school shall send an amount equal to 18422
the funds collected to the superintendent of public instruction. 18423
The superintendent of public instruction shall credit that amount 18424
to the general revenue fund. 18425

Sec. 3375.121. (A) In any municipal corporation, not located 18426
in a county library district, which has a population of not less 18427
than twenty-five thousand, and within which there is not located a 18428
main library of a township, municipal, school district, 18429
association, or county free public library, a library district may 18430
be created by a resolution adopted by the legislative authority of 18431
~~such that~~ municipal corporation. No such resolution shall be 18432
adopted after one year from June 20, 1977. Upon the adoption of 18433
such a resolution, any branches of an existing library ~~which that~~ 18434
are located in ~~such that~~ municipal corporation shall become the 18435
property of the municipal library district created. 18436

The municipal corporation and the board of trustees of the 18437
public library maintaining any existing branches in ~~such that~~ 18438
municipal corporation shall forthwith take appropriate action 18439
transferring all title and interest in all ~~property, both~~ real and 18440
personal, property located in ~~such that~~ municipal corporation in 18441
the name of the library district maintaining ~~such those~~ branches 18442
in ~~such that~~ municipal corporation to the municipal corporation 18443

adopting the appropriate resolution. Upon transfer of ~~such~~ all 18444
title and interest in ~~such that~~ property they, the branches shall 18445
become a part of, and be operated by, the board of library 18446
trustees appointed by the mayor. 18447

(B) In any municipal corporation ~~which that~~ has a population 18448
of less than twenty-five thousand and ~~which that~~ has not less than 18449
one hundred thousand dollars available from a bequest for the 18450
establishment of a municipal library, the legislative authority of 18451
~~such that~~ municipal corporation may adopt, within one year after 18452
June 20, 1977, a resolution creating a library district. Upon the 18453
establishment of any such library district, the board of trustees 18454
of any library operating a branch library in ~~such that~~ municipal 18455
corporation shall not be required to transfer any property to the 18456
newly established library. 18457

(C) The board of library trustees of any library district 18458
created under this section shall be composed of six members. ~~Such~~ 18459
Those trustees shall be appointed by the mayor, to serve without 18460
compensation, for a term of four years. In the first instance, 18461
three of ~~such~~ those trustees shall be appointed for a term of two 18462
years, and three of them shall be appointed for a term of four 18463
years. Vacancies shall be filled by like appointment for the 18464
unexpired term. A library district created under this section 18465
shall be governed in accordance with and exercise ~~such the~~ 18466
authority ~~as~~ provided for in sections 3375.32 to 3375.41 of the 18467
Revised Code. 18468

Notwithstanding any contrary provision of section 3.24 of the 18469
Revised Code, the president of a board of township trustees may 18470
administer the oath of office to a person or persons representing 18471
the township on the board of library trustees of any library 18472
district created under this section, even if the geographical 18473
limits of the library district do not fall within the geographical 18474
limits of the township. 18475

(D) Any library district created under this section is 18476
eligible to participate in the proceeds of the county library and 18477
local government support fund in accordance with section 5705.28 18478
of the Revised Code. 18479

(E) A municipal corporation may establish and operate a free 18480
public library regardless of whether the municipal corporation is 18481
located in a county library district or school library district, 18482
if all of the following conditions are met: 18483

(1) The facility in which the library is principally located 18484
is transferred to the municipal corporation from the county 18485
library district or school library district in which it is located 18486
prior to January 1, 1996~~+~~. 18487

(2) The population of the municipal corporation is less than 18488
five hundred when the library is transferred from the county 18489
library district or school library district to the municipal 18490
corporation~~+~~. 18491

(3) The municipal corporation does not establish a municipal 18492
library district under this section~~+~~. 18493

(4) The library does not receive any proceeds from the county 18494
library and local government support fund under section 5747.48 of 18495
the Revised Code. 18496

Sec. 3381.15. ~~(A)~~ The board of county commissioners of any 18497
county, the legislative authority of any municipal corporation, 18498
and the board of township trustees of any township, included 18499
within a regional arts and cultural district may appropriate 18500
annually, from moneys to the credit of the general fund of the 18501
county, the municipal corporation, or the township and not 18502
otherwise appropriated, that portion of the expense of the 18503
district to be paid by the county, municipal corporation, or 18504
township as provided in the resolution creating or enlarging the 18505

district adopted under section 3381.03 of the Revised Code, or by 18506
any amendment to the resolution. 18507

~~(B) In addition to the authority granted to a board of county 18508
commissioners under division (A) of this section, a board of 18509
county commissioners in a county with a population of one million 18510
two hundred thousand or more may establish and provide local 18511
funding options for the support of arts and cultural organizations 18512
operating within the regional arts and cultural district in which 18513
the county is included. 18514~~

Sec. 3381.17. From the funds available therefor from a tax 18515
levy authorized under section 3381.16 or, if applicable, sections 18516
5743.021 and 5743.321 of the Revised Code, a regional arts and 18517
cultural district by action of its board of trustees shall make 18518
annual grants to support the operating or capital expenses of such 18519
of the arts or cultural organizations located within the territory 18520
of the district as the board of trustees shall determine; 18521
provided, however, that not more than ten per cent of the amount 18522
granted in any calendar year shall be granted to arts and cultural 18523
organizations that are not qualifying arts or cultural 18524
organizations; and further provided that prior to making any 18525
grants in any calendar year, the board of trustees shall afford an 18526
opportunity for the presentation, either in person or in writing, 18527
of the suggestions of any area arts council, as defined in section 18528
757.03 of the Revised Code, located within the district. Any such 18529
grant to an arts or cultural organization shall be on such terms 18530
and conditions as the board considers advisable. 18531

Sec. 3517.152. (A)(1) There is hereby created the Ohio 18532
elections commission consisting of seven members. 18533

Not later than forty-five days after August 24, 1995, the 18534
speaker of the house of representatives and the leader in the 18535

senate of the political party of which the speaker is a member 18536
shall jointly submit to the governor a list of five persons who 18537
are affiliated with that political party. Not later than 18538
forty-five days after August 24, 1995, the two legislative leaders 18539
in the two houses of the general assembly of the major political 18540
party of which the speaker is not a member shall jointly submit to 18541
the governor a list of five persons who are affiliated with the 18542
major political party of which the speaker is not a member. Not 18543
later than fifteen days after receiving each list, the governor 18544
shall appoint three persons from each list to the commission. The 18545
governor shall appoint one person from each list to a term that 18546
ends on December 31, 1996, one person from each list to a term 18547
that ends on December 31, 1997, and one person from each list to a 18548
term that ends on December 31, 1998. 18549

Not later than thirty days after the governor appoints these 18550
six members, they shall, by a majority vote, appoint to the 18551
commission a seventh member, who shall not be affiliated with a 18552
political party. If the six members fail to appoint the seventh 18553
member within this thirty-day period, the chief justice of the 18554
supreme court, not later than thirty days after the end of the 18555
period during which the six members were required to appoint a 18556
member, shall appoint the seventh member, who shall not be 18557
affiliated with a political party. The seventh member shall be 18558
appointed to a term that ends on December 31, 2001. Terms of the 18559
initial members appointed under this division begin on January 1, 18560
1996. 18561

(2) If a vacancy occurs in the position of the seventh 18562
member, who is not affiliated with a political party, the six 18563
remaining members by a majority vote shall appoint, not later than 18564
forty-five days after the date of the vacancy, the seventh member 18565
of the commission, who shall not be affiliated with a political 18566
party. If these members fail to appoint the seventh member within 18567

this forty-five-day period, the chief justice of the supreme
court, within fifteen days after the end of this period, shall
appoint the seventh member, who shall not be affiliated with a
political party. If a vacancy occurs in any of the other six
positions on the commission, the legislative leaders of the
political party from whose list of persons the member being
replaced was appointed shall submit to the governor, not later
than thirty days after the date of the vacancy, a list of three
persons who are affiliated with that political party. Not later
than fifteen days after receiving the list, the governor, with the
advice and consent of the senate, shall appoint one person from
the list to the commission.

(3) At no time shall more than six members of the commission
be affiliated with a political party, and, of these six members,
not more than three shall be affiliated with the same political
party.

(4) In making appointments to the commission, the governor
shall take into consideration the various geographic areas of this
state and shall appoint members so that those areas are
represented on the commission in a balanced manner, to the extent
feasible.

(5) Members of the commission shall be registered electors
and shall be of good moral character.

(B) Each member of the Ohio elections commission shall hold
office from the date of the member's appointment until the end of
the term for which the member was appointed. A member appointed to
fill a vacancy occurring prior to the expiration of the term for
which the member's predecessor was appointed shall hold office for
the remainder of that term. A member shall continue in office
subsequent to the 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. After the initial terms of
office provided for in division (A)(1) of this section, terms of
office shall be for five years.

(C) A vacancy in the Ohio elections commission may be caused
by death, resignation, or three absences from commission meetings
in a calendar year if those absences are caused by reasons
declared invalid by a vote of five members of the remaining
members of the commission.

(D) Each member of the Ohio elections commission while in the
performance of the business of the commission shall be entitled to
receive compensation at the rate of twenty-five thousand dollars
per year. Members shall be reimbursed for expenses actually and
necessarily incurred in the performance of their duties.

(E) No member of the Ohio elections commission shall serve
more than one full term unless the terms served are served
nonconsecutively.

(F)(1) No member of the Ohio elections commission shall do or
be any of the following:

(a) Hold, or be a candidate for, a public office;

(b) Serve on a committee supporting or opposing a candidate
or ballot question or issue;

(c) Be an officer of the state central committee, a county
central committee, or a district, city, township, or other
committee of a political party or an officer of the executive
committee of the state central committee, a county central
committee, or a district, city, township, or other committee of a
political party;

(d) Be a legislative agent as defined in section 101.70 of
the Revised Code or an executive agency lobbyist as defined in
section 121.60 of the Revised Code;

(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity;

(f) Be in the unclassified service under section 124.11 of the Revised Code;

(g) Be a person or employee ~~described in divisions (C)(1) to (15)~~ who is not subject to Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.

(2) No member or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or committee in support of or opposition to a ballot question or issue, a political party, a legislative campaign fund, a political action committee, or a political contributing entity.

(G)(1) The members of the Ohio elections commission shall elect a chairperson and a vice-chairperson. At no time shall the chairperson and vice-chairperson be affiliated with the same political party. The chairperson shall serve in that capacity for one year and shall not serve as chairperson more than twice during a term as a member of the commission. No two successive chairpersons shall be affiliated with the same political party.

(2) The commission shall meet at the call of the chairperson or upon the written request of a majority of the members. The meetings and hearings of the commission or a panel of the commission under sections 3517.153 to 3517.157 of the Revised Code are subject to section 121.22 of the Revised Code.

(3) The commission shall adopt rules for its procedures in accordance with Chapter 119. of the Revised Code. Five of the seven members constitute a quorum. Except as otherwise provided in this section and in sections 3517.154 to 3517.157 of the Revised Code, no action shall be taken without the concurrence of a majority of the members.

(H)(1) The Ohio elections commission shall employ the 18660
technical, professional, and clerical employees that are necessary 18661
for it to carry out its duties. 18662

(2)(a) Notwithstanding section 109.02 of the Revised Code, 18663
the commission shall employ a full-time attorney, and, as needed, 18664
one or more investigatory attorneys to conduct investigations for 18665
the commission or a panel of the commission. The commission may 18666
employ or contract for the services of additional attorneys, as 18667
needed. The full-time attorney shall do all of the following: 18668

(i) Serve as the commission's attorney in regard to all legal 18669
matters, including representing the commission at appeals from a 18670
final determination of the commission, except that the full-time 18671
attorney shall not perform the duties that an investigatory 18672
attorney is required or requested to perform or that another 18673
attorney the commission employs or contracts with for services is 18674
required or requested to perform, and shall not represent the 18675
commission in any legal proceeding in which the commission is a 18676
named party; 18677

(ii) At the request of the commission or a panel of the 18678
commission, be present at a hearing held under sections 3517.154 18679
to 3517.156 of the Revised Code to rule on the admissibility of 18680
evidence and to advise on the conduct of procedure; 18681

(iii) Perform other duties as required by rule of the 18682
commission. 18683

(b) An attorney employed by or under contract with the 18684
commission shall be licensed to practice law in this state. 18685

(3)(a) Except as otherwise provided in division (H)(3)(b) of 18686
this section, at least five members of the commission shall agree 18687
on the employment of a person, a majority of the members shall 18688
agree on the discharge of an employee, and a person employed by 18689
the commission shall serve at the pleasure of the commission. 18690

(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 assessment shall be deposited in the state treasury to the credit of the employee assistance general services fund, which is hereby created. The fund shall be used by the director of health to administer the program.

(B) Records of the identity, diagnosis, prognosis, or treatment of any person that are maintained in connection with the employee assistance program created in division (A) of this section are not public records under section 149.43 of the Revised Code and shall be disclosed only as provided in division (C) of this section.

(C)(1) Records described in division (B) of this section may 18721
be disclosed with the prior written consent of the person who is 18722
the subject of the record. 18723

(2) Records described in division (B) of this section may be 18724
disclosed with or without the prior written consent of the person 18725
who is the subject of the record under the following conditions: 18726

(a) To medical personnel to the extent necessary to meet a 18727
bona fide medical emergency; 18728

(b) To qualified personnel for the purpose of conducting 18729
scientific research, management audits, financial audits, or 18730
program evaluation, but the personnel shall not directly or 18731
indirectly identify any person who is the subject of the record in 18732
any report of the research, audit, or evaluation or in any other 18733
manner; 18734

(c) If authorized by an appropriate order of a court of 18735
competent jurisdiction granted after a showing of good cause. In 18736
determining good cause, the court shall weigh the public interest 18737
and the need for disclosure against injury to the person who is 18738
the subject of the record and to the employee assistance program. 18739
Upon granting such an order, the court shall, in determining the 18740
extent to which the disclosure of all or any part of any record is 18741
necessary, impose appropriate safeguards against unauthorized 18742
disclosure. 18743

(D) Except as authorized by a court order described in 18744
division (C)(2)(c) of this section, no record described in 18745
division (B) of this section may be used to initiate or 18746
substantiate criminal charges against the person who is the 18747
subject of the record or to conduct any investigation of such a 18748
person. 18749

Sec. 3701.046. The director of health is authorized to make 18750

grants for women's health services from funds appropriated for 18751
that purpose by the general assembly. 18752

None of the funds received through grants for women's health 18753
services shall be used to provide abortion services. None of the 18754
funds received through these grants shall be used for counseling 18755
for or referrals for abortion, except in the case of a medical 18756
emergency. These funds shall be distributed by the director to 18757
programs that the department of health determines will provide 18758
services that are physically and financially separate from 18759
abortion-providing and abortion-promoting activities, and that do 18760
not include counseling for or referrals for abortion, other than 18761
in the case of medical emergency. 18762

These women's health services include and are limited to the 18763
following: pelvic examinations and laboratory testing; breast 18764
examinations and patient education on breast cancer; screening for 18765
cervical cancer; screening and treatment for sexually transmitted 18766
diseases and HIV screening; voluntary choice of contraception, 18767
including abstinence and natural family planning; patient 18768
education and pre-pregnancy counseling on the dangers of smoking, 18769
alcohol, and drug use during pregnancy; education on sexual 18770
coercion and violence in relationships; and prenatal care or 18771
referral for prenatal care. These health care services shall be 18772
provided in a medical clinic setting by persons authorized under 18773
Chapter. 4731 of the Revised Code to practice medicine and surgery 18774
or osteopathic medicine and surgery; authorized under Chapter 18775
4730. of the Revised Code to practice as a physician assistant; 18776
licensed under Chapter 4723. of the Revised Code as a registered 18777
nurse or licensed practical nurse; or licensed under Chapter 4757. 18778
of the Revised Code as a social worker, independent social worker, 18779
professional clinical counselor, or professional counselor. 18780

The director shall adopt rules under Chapter 119. of the 18781

Revised Code specifying reasonable eligibility standards that must 18782
be met to receive the state funding and provide reasonable methods 18783
by which a grantee wishing to be eligible for federal funding may 18784
comply with these requirements for state funding without losing 18785
its eligibility for federal funding. 18786

Each applicant for these funds shall provide sufficient 18787
assurance to the director of all of the following: 18788

(A) The program shall not discriminate in the provision of 18789
services based on an individual's religion, race, national origin, 18790
handicapping condition, age, sex, number of pregnancies, or 18791
marital status; 18792

(B) The program shall provide services without subjecting 18793
individuals to any coercion to accept services or to employ any 18794
particular methods of family planning; 18795

(C) Acceptance of services shall be solely on a voluntary 18796
basis and may not be made a prerequisite to eligibility for, or 18797
receipt of, any other service, assistance from, or participation 18798
in, any other program of the service provider; 18799

(D) Any charges for services provided by the program shall be 18800
based on the patient's ability to pay and priority in the 18801
provision of services shall be given to persons from low-income 18802
families. 18803

In distributing these grant funds, the director shall give 18804
priority to grant requests from local departments of health for 18805
women's health services to be provided directly by personnel of 18806
the local department of health. The director shall issue a single 18807
request for proposals for all grants for women's health services. 18808
The director shall send a notification of this request for 18809
proposals to every local department of health in this state and 18810
shall place a notification on the department's web site. The 18811
director shall allow at least thirty days after issuing this 18812

notification before closing the period to receive applications. 18813

After the closing date for receiving grant applications, the 18814
director shall first consider grant applications from local 18815
departments of health that apply for grants for women's health 18816
services to be provided directly by personnel of the local 18817
department of health. Local departments of health that apply for 18818
grants for women's health services to be provided directly by 18819
personnel of the local department of health need not provide all 18820
the listed women's health services in order to qualify for a 18821
grant. However, in prioritizing awards among local departments of 18822
health that qualify for funding under this paragraph, the director 18823
may consider, among other reasonable factors, the 18824
comprehensiveness of the women's health services to be offered, 18825
provided that no local department of health shall be discriminated 18826
against in the process of awarding these grant funds because the 18827
applicant does not provide contraception. 18828

If funds remain after awarding grants to all local 18829
departments of health that qualify for the priority, the director 18830
may make grants to other applicants. Awards to other applicants 18831
may be made to those applicants that will offer all eight of the 18832
listed women's health services or that will offer all of the 18833
services except contraception. No applicant shall be discriminated 18834
against in the process of awarding these grant funds because the 18835
applicant does not provide contraception. 18836

Sec. 3701.341. (A) The public health council, pursuant to 18837
Chapter 119. and consistent with section 2317.56 of the Revised 18838
Code, shall adopt rules relating to abortions and the following 18839
subjects: 18840

(1) Post-abortion procedures to protect the health of the 18841
pregnant woman; 18842

(2) ~~Reporting forms;~~ 18843

~~(3)~~ Pathological reports; 18844

~~(4)~~(3) Humane disposition of the product of human conception; 18845

~~(5)~~(4) Counseling. 18846

(B) The director of health shall implement the rules and 18847
shall apply to the court of common pleas for temporary or 18848
permanent injunctions restraining a violation or threatened 18849
violation of the rules. This action is an additional remedy not 18850
dependent on the adequacy of the remedy at law. 18851

Sec. 3701.65. (A) There is hereby created in the state 18852
treasury the "choose life" fund. The fund shall consist of the 18853
contributions that are paid to the registrar of motor vehicles by 18854
applicants who voluntarily elect to obtain "choose life" license 18855
plates pursuant to section 4503.91 of the Revised Code and any 18856
money returned to the fund under division (E)(1)(d) of this 18857
section. All investment earnings of the fund shall be credited to 18858
the fund. 18859

(B)(1) At least annually, the director of health shall 18860
distribute the money in the fund to any private, nonprofit 18861
organization that is eligible to receive funds under this section 18862
and that applies for funding under division (C) of this section. 18863

(2) The director shall distribute the funds based on the 18864
county in which the organization applying for funding is located 18865
and in proportion to the number of "choose life" license plates 18866
issued during the preceding year to vehicles registered in each 18867
county. The director shall distribute funds allocated for a county 18868
to one or more eligible organizations located in contiguous 18869
counties if no eligible organization located within the county 18870
applies for funding. Within each county, eligible organizations 18871
that apply for funding shall share equally in the funds available 18872

for distribution to organizations located within that county. 18873

(C) Any organization seeking funds under this section 18874
annually shall apply for distribution of the funds based on the 18875
county in which the organization is located. An organization may 18876
apply for funding in a contiguous county if it demonstrates that 18877
it provides services for pregnant women residing in that 18878
contiguous county. The director shall develop an application form 18879
and may determine the schedule and procedures that an organization 18880
shall follow when annually applying for funds. The application 18881
shall inform the applicant of the conditions for receiving and 18882
using funds under division (E) of this section. The application 18883
shall require evidence that the organization meets all of the 18884
following requirements: 18885

(1) Is a private, nonprofit organization; 18886

(2) Is committed to counseling pregnant women about the 18887
option of adoption; 18888

(3) Provides services within the state to pregnant women who 18889
are planning to place their children for adoption, including 18890
counseling and meeting the material needs of the women; 18891

(4) Does not charge women for any services received; 18892

(5) Is not involved or associated with any abortion 18893
activities, including counseling for or referrals to abortion 18894
clinics, providing medical abortion-related procedures, or 18895
pro-abortion advertising; 18896

(6) Does not discriminate in its provision of any services on 18897
the basis of race, religion, color, age, marital status, national 18898
origin, handicap, gender, or age. 18899

(D) The director shall not distribute funds to an 18900
organization that does not provide verifiable evidence of the 18901
requirements specified in the application under division (C) of 18902

this section and shall not provide additional funds to any 18903
organization that fails to comply with division (E) of this 18904
section in regard to its previous receipt of funds under this 18905
section. 18906

(E)(1) An organization receiving funds under this section 18907
shall do all of the following: 18908

(a) Use not more than sixty per cent of the funds distributed 18909
to it for the material needs of pregnant women who are planning to 18910
place their children for adoption or for infants awaiting 18911
placement with adoptive parents, including clothing, housing, 18912
medical care, food, utilities, and transportation; 18913

(b) Use not more than forty per cent of the funds distributed 18914
to it for counseling, training, or advertising; 18915

(c) Not use any of the funds distributed to it for 18916
administrative expenses, legal expenses, or capital expenditures; 18917

(d) Annually return to the fund created under division (A) of 18918
this section any unused money that exceeds ten per cent of the 18919
money distributed to the organization. 18920

(2) The organization annually shall submit to the director an 18921
audited financial statement verifying its compliance with division 18922
(E)(1) of this section. 18923

(F) The director, in accordance with Chapter 119. of the 18924
Revised Code, shall adopt rules to implement this section. 18925

It is not the intent of the general assembly that the 18926
department create a new position within the department to 18927
implement and administer this section. It is the intent of the 18928
general assembly that the implementation and administration of 18929
this section be accomplished by existing department personnel. 18930

Sec. 3701.79. (A) As used in this section: 18931

(1) "Abortion" has the same meaning as in section 2919.11 of the Revised Code. 18932
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(2) "Abortion report" means a form completed pursuant to division (C) of this section. 18934
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(3) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code. 18936
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(4) "Department" means the department of health. 18938

(5) "Hospital" means any building, structure, institution, or place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and medical or surgical care for three or more unrelated individuals suffering from illness, disease, injury, or deformity, and regularly making available at least clinical laboratory services, diagnostic x-ray services, treatment facilities for surgery or obstetrical care, or other definitive medical treatment. "Hospital" does not include a "home" as defined in section 3721.01 of the Revised Code. 18939
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(6) "Physician's office" means an office or portion of an office that is used to provide medical or surgical services to the physician's patients. "Physician's office" does not mean an ambulatory surgical facility, a hospital, or a hospital emergency department. 18948
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(7) "Postabortion care" means care given after the uterus has been evacuated by abortion. 18953
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(B) The department shall be responsible for collecting and collating abortion data reported to the department as required by this section. 18955
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(C) The attending physician shall complete an individual abortion report for each abortion the physician performs upon a woman. The report shall be confidential and shall not contain the woman's name. The report shall include, but is not limited to, all 18958
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<u>of the following, insofar as the patient makes the data available</u>	18962
<u>that is not within the physician's knowledge:</u>	18963
<u>(1) Patient number;</u>	18964
<u>(2) The name and address of the facility in which the</u>	18965
<u>abortion was performed, and whether the facility is a hospital,</u>	18966
<u>ambulatory surgical facility, physician's office, or other</u>	18967
<u>facility;</u>	18968
<u>(3) The date of the abortion;</u>	18969
<u>(4) All of the following regarding the woman on whom the</u>	18970
<u>abortion was performed:</u>	18971
<u>(a) Zip code of residence;</u>	18972
<u>(b) Age;</u>	18973
<u>(c) Race;</u>	18974
<u>(d) Marital status;</u>	18975
<u>(e) Number of previous pregnancies;</u>	18976
<u>(f) Years of education;</u>	18977
<u>(g) Number of living children;</u>	18978
<u>(h) Number of previously induced abortions;</u>	18979
<u>(i) Date of last induced abortion;</u>	18980
<u>(j) Date of last live birth;</u>	18981
<u>(k) Method of contraception at the time of conception;</u>	18982
<u>(l) Date of the first day of the last menstrual period;</u>	18983
<u>(m) Medical condition at the time of the abortion;</u>	18984
<u>(n) Rh-type;</u>	18985
<u>(o) The number of weeks of gestation at the time of the</u>	18986
<u>abortion.</u>	18987
<u>(5) The type of abortion procedure performed;</u>	18988

<u>(6) Complications by type;</u>	18989
<u>(7) Type of procedure performed after the abortion;</u>	18990
<u>(8) Type of family planning recommended;</u>	18991
<u>(9) Type of additional counseling given;</u>	18992
<u>(10) Signature of attending physician.</u>	18993
<u>(D) The physician who completed the abortion report under</u>	18994
<u>division (C) of this section shall submit the abortion report to</u>	18995
<u>the department within fifteen days after the woman is discharged.</u>	18996
<u>(E) The appropriate vital records report or certificate shall</u>	18997
<u>be made out after the twentieth week of gestation.</u>	18998
<u>(F) A copy of the abortion report shall be made part of the</u>	18999
<u>medical record of the patient of the facility in which the</u>	19000
<u>abortion was performed.</u>	19001
<u>(G) Each hospital shall file monthly and annual reports</u>	19002
<u>listing the total number of women who have undergone a</u>	19003
<u>post-twelve-week-gestation abortion and received postabortion</u>	19004
<u>care. The annual report shall be filed following the conclusion of</u>	19005
<u>the state's fiscal year. Each report shall be filed within thirty</u>	19006
<u>days after the end of the applicable reporting period.</u>	19007
<u>(H) Each case in which a physician treats a post abortion</u>	19008
<u>complication shall be reported on a postabortion complication</u>	19009
<u>form. The report shall be made upon a form prescribed by the</u>	19010
<u>department, shall be signed by the attending physician, and shall</u>	19011
<u>be confidential.</u>	19012
<u>(I)(1) Not later than the first day of October of each year,</u>	19013
<u>the department shall issue an annual report of the abortion data</u>	19014
<u>reported to the department for the previous calendar year as</u>	19015
<u>required by this section. The annual report shall include at least</u>	19016
<u>the following information:</u>	19017

<u>(a) The total number of induced abortions;</u>	19018
<u>(b) The number of abortions performed on Ohio and out-of-state residents;</u>	19019 19020
<u>(c) The number of abortions performed, sorted by each of the following:</u>	19021 19022
<u>(i) The age of the woman on whom the abortion was performed, using the following categories: under fifteen years of age, fifteen to nineteen years of age, twenty to twenty-four years of age, twenty-five to twenty-nine years of age, thirty to thirty-four years of age, thirty-five to thirty-nine years of age, forty to forty-four years of age, forty-five years of age or older;</u>	19023 19024 19025 19026 19027 19028 19029
<u>(ii) The race and Hispanic ethnicity of the woman on whom the abortion was performed;</u>	19030 19031
<u>(iii) The education level of the woman on whom the abortion was performed, using the following categories or their equivalents: less than ninth grade, ninth through twelfth grade, one or more years of college;</u>	19032 19033 19034 19035
<u>(iv) The marital status of the woman on whom the abortion was performed;</u>	19036 19037
<u>(v) The number of living children of the woman on whom the abortion was performed, using the following categories: none, one, or two or more;</u>	19038 19039 19040
<u>(vi) The number of weeks of gestation of the woman at the time the abortion was performed, using the following categories: less than nine weeks, nine to twelve weeks, thirteen to nineteen weeks, or twenty weeks or more;</u>	19041 19042 19043 19044
<u>(vii) The county in which the abortion was performed;</u>	19045
<u>(viii) The type of abortion procedure performed;</u>	19046

(ix) The number of abortions previously performed on the woman on whom the abortion was performed; 19047
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(x) The type of facility in which the abortion was performed; 19049

(xi) For Ohio residents, the county of residence of the woman on whom the abortion was performed. 19050
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(2) The report also shall indicate the number and type of the abortion complications reported to the department either on the abortion report required under division (C) of this section or the postabortion complication report required under division (H) of this section. 19052
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(3) In addition to the annual report required under division (I)(1) of this section, the department shall make available, on request, the number of abortions performed by zip code of residence. 19057
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(J) The director of health shall implement this section and shall apply to the court of common pleas for temporary or permanent injunctions restraining a violation or threatened violation of its requirements. This action is an additional remedy not dependent on the adequacy of the remedy at law. 19061
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Sec. 3705.242. (A)(1) The director of health, a person 19066
authorized by the director, a local commissioner of health, or a 19067
local registrar of vital statistics shall charge and collect a fee 19068
of one dollar and fifty cents for each certified copy of a birth 19069
record, each certification of birth, and each copy of a death 19070
record. The fee is in addition to the fee imposed by section 19071
3705.24 or any other section of the Revised Code. A local 19072
commissioner of health or local registrar of vital statistics may 19073
retain an amount of each additional fee collected, not to exceed 19074
three per cent of the amount of the additional fee, to be used for 19075
costs directly related to the collection of the fee and the 19076

forwarding of the fee to the treasurer of state. The additional 19077
fees collected, but not retained, under division (A)(1) of this 19078
section shall be forwarded to the treasurer of state not later 19079
than thirty days following the end of each quarter. 19080

(2) On the filing of a divorce decree under section 3105.10 19081
or a decree of dissolution under section 3105.65 of the Revised 19082
Code, a court of common pleas shall charge and collect a fee of 19083
five dollars and fifty cents. The fee is in addition to any other 19084
court costs or fees. The county clerk of courts may retain an 19085
amount of each additional fee collected, not to exceed three per 19086
cent of the amount of the additional fee, to be used for costs 19087
directly related to the collection of the fee and the forwarding 19088
of the fee to the treasurer of state. The additional fees 19089
collected, but not retained, under division (A)(2) of this section 19090
shall be forwarded to the treasurer of state not later than twenty 19091
days following the end of each month. 19092

(B) ~~The additional fees collected, but not retained, under~~ 19093
~~this section during each month shall be forwarded not later than~~ 19094
~~the tenth day of the immediately following month to the treasurer~~ 19095
~~of state, who shall deposit the fees fowarded under this section~~ 19096
in the state treasury to the credit of the family violence 19097
prevention fund, which is hereby created. A person or government 19098
entity that fails to forward the fees in a timely manner, as 19099
determined by the treasurer of state, shall forward to the 19100
treasurer of state, in addition to the fees, a penalty equal to 19101
ten per cent of the fees. 19102

The treasurer of state shall invest the moneys in the fund. 19103
All earnings resulting from investment of the fund shall be 19104
credited to the fund, except that actual administration costs 19105
incurred by the treasurer of state in administering the fund may 19106
be deducted from the earnings resulting from investments. The 19107

amount that may be deducted shall not exceed three per cent of the 19108
total amount of fees credited to the fund in each fiscal year. The 19109
balance of the investment earnings shall be credited to the fund. 19110

(C) The director of public safety shall use money credited to 19111
the fund to provide grants to family violence shelters in Ohio. 19112

Sec. 3734.57. (A) The following fees are hereby levied on the 19113
transfer or disposal of solid wastes in this state: 19114

(1) One dollar per ton on and after July 1, 2003, through 19115
June 30, 2008, one-half of the proceeds of which shall be 19116
deposited in the state treasury to the credit of the hazardous 19117
waste facility management fund created in section 3734.18 of the 19118
Revised Code and one-half of the proceeds of which shall be 19119
deposited in the state treasury to the credit of the hazardous 19120
waste clean-up fund created in section 3734.28 of the Revised 19121
Code; 19122

(2) An additional one dollar per ton on and after July 1, 19123
2003, through June 30, 2008, the proceeds of which shall be 19124
deposited in the state treasury to the credit of the solid waste 19125
fund, which is hereby created. The environmental protection agency 19126
shall use money in the solid waste fund to pay the costs of 19127
administering and enforcing the laws pertaining to solid wastes, 19128
infectious wastes, and construction and demolition debris, 19129
including, without limitation, ground water evaluations related to 19130
solid wastes, infectious wastes, and construction and demolition 19131
debris, under this chapter and Chapter 3714. of the Revised Code 19132
and any rules adopted under them, providing compliance assistance 19133
to small businesses, and paying a share of the administrative 19134
costs of the environmental protection agency pursuant to section 19135
3745.014 of the Revised Code. 19136

(3) An additional one dollar and fifty cents per ton on and 19137

after July 1, 2005, through June 30, 2008, the proceeds of which 19138
shall be deposited in the state treasury to the credit of the 19139
environmental protection fund created in section 3745.015 of the 19140
Revised Code. 19141

In the case of solid wastes that are taken to a solid waste 19142
transfer facility located in this state prior to being transported 19143
~~to~~ for disposal at a solid waste disposal facility ~~for disposal~~ 19144
located in this state or outside of this state, the fees levied 19145
under this division shall be collected by the owner or operator of 19146
the transfer facility as a trustee for the state. The amount of 19147
fees required to be collected under this division at such a 19148
transfer facility shall equal the total tonnage of solid wastes 19149
received at the facility multiplied by the fees levied under this 19150
division. In the case of solid wastes that are not taken to a 19151
solid waste transfer facility located in this state prior to being 19152
transported to a solid waste disposal facility, the fees shall be 19153
collected by the owner or operator of the solid waste disposal 19154
facility as a trustee for the state. The amount of fees required 19155
to be collected under this division at such a disposal facility 19156
shall equal the total tonnage of solid wastes received at the 19157
facility that was not previously taken to a solid waste transfer 19158
facility located in this state multiplied by the fees levied under 19159
this division. Fees levied under this division do not apply to 19160
materials separated from a mixed waste stream for recycling by a 19161
generator or materials removed from the solid waste stream through 19162
recycling, as "recycling" is defined in rules adopted under 19163
section 3734.02 of the Revised Code. 19164

The owner or operator of a solid waste transfer facility or 19165
disposal facility, as applicable, shall prepare and file with the 19166
director of environmental protection each month a return 19167
indicating the total tonnage of solid wastes received at the 19168
facility during that month and the total amount of the fees 19169

required to be collected under this division during that month. In 19170
addition, the owner or operator of a solid waste disposal facility 19171
shall indicate on the return the total tonnage of solid wastes 19172
received from transfer facilities located in this state during 19173
that month for which the fees were required to be collected by the 19174
transfer facilities. The monthly returns shall be filed on a form 19175
prescribed by the director. Not later than thirty days after the 19176
last day of the month to which a return applies, the owner or 19177
operator shall mail to the director the return for that month 19178
together with the fees required to be collected under this 19179
division during that month as indicated on the return. If the 19180
return is filed and the amount of the fees due is paid in a timely 19181
manner as required in this division, the owner or operator may 19182
retain a discount of three-fourths of one per cent of the total 19183
amount of the fees that are required to be paid as indicated on 19184
the return. 19185

The owner or operator may request an extension of not more 19186
than thirty days for filing the return and remitting the fees, 19187
provided that the owner or operator has submitted such a request 19188
in writing to the director together with a detailed description of 19189
why the extension is requested, the director has received the 19190
request not later than the day on which the return is required to 19191
be filed, and the director has approved the request. If the fees 19192
are not remitted within thirty days after the last day of the 19193
month to which the return applies or are not remitted by the last 19194
day of an extension approved by the director, the owner or 19195
operator shall not retain the three-fourths of one per cent 19196
discount and shall pay an additional ten per cent of the amount of 19197
the fees for each month that they are late. For purposes of 19198
calculating the late fee, the first month in which fees are late 19199
begins on the first day after the deadline has passed for timely 19200
submitting the return and fees, and one additional month shall be 19201

counted every thirty days thereafter.

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The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

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A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

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If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly

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return submitted to the director together with a written 19234
explanation of the reason for the submittal. 19235

For purposes of computing the fees levied under this division 19236
or division (B) of this section, any solid waste transfer or 19237
disposal facility that does not use scales as a means of 19238
determining gate receipts shall use a conversion factor of three 19239
cubic yards per ton of solid waste or one cubic yard per ton for 19240
baled waste, as applicable. 19241

The fees levied under this division and divisions (B) and (C) 19242
of this section are in addition to all other applicable fees and 19243
taxes and shall be paid by the customer to the owner or operator 19244
of a solid waste transfer or disposal facility notwithstanding the 19245
existence of any provision in a contract that the customer may 19246
have with the owner or operator that would not require or allow 19247
such payment. 19248

(B) For the purposes specified in division (G) of this 19249
section, the solid waste management policy committee of a county 19250
or joint solid waste management district may levy fees upon the 19251
following activities: 19252

(1) The disposal at a solid waste disposal facility located 19253
in the district of solid wastes generated within the district; 19254

(2) The disposal at a solid waste disposal facility within 19255
the district of solid wastes generated outside the boundaries of 19256
the district, but inside this state; 19257

(3) The disposal at a solid waste disposal facility within 19258
the district of solid wastes generated outside the boundaries of 19259
this state. 19260

The solid waste management plan of the county or joint 19261
district approved under section 3734.521 or 3734.55 of the Revised 19262
Code and any amendments to it, or the resolution adopted under 19263

this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

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 19296
the district and their local trade associations, but the 19297
nonprovision of notice under this division to a particular 19298
generator or local trade association does not invalidate the 19299
proceedings under this division. The publication shall occur at 19300
least thirty days before the hearing. After the hearing, the 19301
committee may make such revisions to the proposed fees as it 19302
considers appropriate and thereafter, by resolution, shall adopt 19303
the revised fee schedule. Upon adopting the revised fee schedule, 19304
the committee shall deliver a copy of the resolution doing so to 19305
the board of county commissioners of each county forming the 19306
district and to the legislative authority of each municipal 19307
corporation and township under the jurisdiction of the district. 19308
Within sixty days after the delivery of a copy of the resolution 19309
adopting the proposed revised fees by the policy committee, each 19310
such board and legislative authority, by ordinance or resolution, 19311
shall approve or disapprove the revised fees and deliver a copy of 19312
the ordinance or resolution to the committee. If any such board or 19313
legislative authority fails to adopt and deliver to the policy 19314
committee an ordinance or resolution approving or disapproving the 19315
revised fees within sixty days after the policy committee 19316
delivered its resolution adopting the proposed revised fees, it 19317
shall be conclusively presumed that the board or legislative 19318
authority has approved the proposed revised fees. The committee 19319
shall determine if the resolution has been ratified in the same 19320
manner in which it determines if a draft solid waste management 19321
plan has been ratified under division (B) of section 3734.55 of 19322
the Revised Code. 19323

The committee may amend the schedule of fees levied pursuant 19324
to a resolution adopted and ratified under this division by 19325
adopting a resolution establishing the proposed amount of the 19326
amended fees. The committee may repeal the fees levied pursuant to 19327

such a resolution by adopting a resolution proposing to repeal 19328
them. Upon adopting such a resolution, the committee shall proceed 19329
to obtain ratification of the resolution in accordance with this 19330
division. 19331

Not later than fourteen days after declaring the new fees to 19332
be ratified or the fees to be repealed under this division, the 19333
committee shall notify by certified mail the owner or operator of 19334
each solid waste disposal facility that is required to collect the 19335
fees of the ratification and the amount of the fees or of the 19336
repeal of the fees. Collection of any fees shall commence or 19337
collection of repealed fees shall cease on the first day of the 19338
second month following the month in which notification is sent to 19339
the owner or operator. 19340

Fees levied under this division also may be established, 19341
amended, or repealed by a solid waste management policy committee 19342
through the adoption of a new district solid waste management 19343
plan, the adoption of an amended plan, or the amendment of the 19344
plan or amended plan in accordance with sections 3734.55 and 19345
3734.56 of the Revised Code or the adoption or amendment of a 19346
district plan in connection with a change in district composition 19347
under section 3734.521 of the Revised Code. 19348

Not later than fourteen days after the director issues an 19349
order approving a district's solid waste management plan, amended 19350
plan, or amendment to a plan or amended plan that establishes, 19351
amends, or repeals a schedule of fees levied by the district, the 19352
committee shall notify by certified mail the owner or operator of 19353
each solid waste disposal facility that is required to collect the 19354
fees of the approval of the plan or amended plan, or the amendment 19355
to the plan, as appropriate, and the amount of the fees, if any. 19356
In the case of an initial or amended plan approved under section 19357
3734.521 of the Revised Code in connection with a change in 19358
district composition, other than one involving the withdrawal of a 19359

county from a joint district, the committee, within fourteen days 19360
after the change takes effect pursuant to division (G) of that 19361
section, shall notify by certified mail the owner or operator of 19362
each solid waste disposal facility that is required to collect the 19363
fees that the change has taken effect and of the amount of the 19364
fees, if any. Collection of any fees shall commence or collection 19365
of repealed fees shall cease on the first day of the second month 19366
following the month in which notification is sent to the owner or 19367
operator. 19368

If, in the case of a change in district composition involving 19369
the withdrawal of a county from a joint district, the director 19370
completes the actions required under division (G)(1) or (3) of 19371
section 3734.521 of the Revised Code, as appropriate, forty-five 19372
days or more before the beginning of a calendar year, the policy 19373
committee of each of the districts resulting from the change that 19374
obtained the director's approval of an initial or amended plan in 19375
connection with the change, within fourteen days after the 19376
director's completion of the required actions, shall notify by 19377
certified mail the owner or operator of each solid waste disposal 19378
facility that is required to collect the district's fees that the 19379
change is to take effect on the first day of January immediately 19380
following the issuance of the notice and of the amount of the fees 19381
or amended fees levied under divisions (B)(1) to (3) of this 19382
section pursuant to the district's initial or amended plan as so 19383
approved or, if appropriate, the repeal of the district's fees by 19384
that initial or amended plan. Collection of any fees set forth in 19385
such a plan or amended plan shall commence on the first day of 19386
January immediately following the issuance of the notice. If such 19387
an initial or amended plan repeals a schedule of fees, collection 19388
of the fees shall cease on that first day of January. 19389

If, in the case of a change in district composition involving 19390
the withdrawal of a county from a joint district, the director 19391

completes the actions required under division (G)(1) or (3) of 19392
section 3734.521 of the Revised Code, as appropriate, less than 19393
forty-five days before the beginning of a calendar year, the 19394
director, on behalf of each of the districts resulting from the 19395
change that obtained the director's approval of an initial or 19396
amended plan in connection with the change proceedings, shall 19397
notify by certified mail the owner or operator of each solid waste 19398
disposal facility that is required to collect the district's fees 19399
that the change is to take effect on the first day of January 19400
immediately following the mailing of the notice and of the amount 19401
of the fees or amended fees levied under divisions (B)(1) to (3) 19402
of this section pursuant to the district's initial or amended plan 19403
as so approved or, if appropriate, the repeal of the district's 19404
fees by that initial or amended plan. Collection of any fees set 19405
forth in such a plan or amended plan shall commence on the first 19406
day of the second month following the month in which notification 19407
is sent to the owner or operator. If such an initial or amended 19408
plan repeals a schedule of fees, collection of the fees shall 19409
cease on the first day of the second month following the month in 19410
which notification is sent to the owner or operator. 19411

If the schedule of fees that a solid waste management 19412
district is levying under divisions (B)(1) to (3) of this section 19413
is amended or repealed, the fees in effect immediately prior to 19414
the amendment or repeal shall continue to be collected until 19415
collection of the amended fees commences or collection of the 19416
repealed fees ceases, as applicable, as specified in this 19417
division. In the case of a change in district composition, money 19418
so received from the collection of the fees of the former 19419
districts shall be divided among the resulting districts in 19420
accordance with division (B) of section 343.012 of the Revised 19421
Code and the agreements entered into under division (B) of section 19422
343.01 of the Revised Code to establish the former and resulting 19423

districts and any amendments to those agreements. 19424

For the purposes of the provisions of division (B) of this 19425
section establishing the times when newly established or amended 19426
fees levied by a district are required to commence and the 19427
collection of fees that have been amended or repealed is required 19428
to cease, "fees" or "schedule of fees" includes, in addition to 19429
fees levied under divisions (B)(1) to (3) of this section, those 19430
levied under section 3734.573 or 3734.574 of the Revised Code. 19431

(C) For the purposes of defraying the added costs to a 19432
municipal corporation or township of maintaining roads and other 19433
public facilities and of providing emergency and other public 19434
services, and compensating a municipal corporation or township for 19435
reductions in real property tax revenues due to reductions in real 19436
property valuations resulting from the location and operation of a 19437
solid waste disposal facility within the municipal corporation or 19438
township, a municipal corporation or township in which such a 19439
solid waste disposal facility is located may levy a fee of not 19440
more than twenty-five cents per ton on the disposal of solid 19441
wastes at a solid waste disposal facility located within the 19442
boundaries of the municipal corporation or township regardless of 19443
where the wastes were generated. 19444

The legislative authority of a municipal corporation or 19445
township may levy fees under this division by enacting an 19446
ordinance or adopting a resolution establishing the amount of the 19447
fees. Upon so doing the legislative authority shall mail a 19448
certified copy of the ordinance or resolution to the board of 19449
county commissioners or directors of the county or joint solid 19450
waste management district in which the municipal corporation or 19451
township is located or, if a regional solid waste management 19452
authority has been formed under section 343.011 of the Revised 19453
Code, to the board of trustees of that regional authority, the 19454
owner or operator of each solid waste disposal facility in the 19455

municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or

joint district that are covered by an agreement for the joint use 19487
of solid waste facilities entered into under section 343.02 of the 19488
Revised Code by the board of county commissioners or board of 19489
directors of the county or joint district where the wastes are 19490
generated and disposed of. 19491

(3) When solid wastes, other than solid wastes that consist 19492
of scrap tires, are burned in a disposal facility that is an 19493
incinerator or energy recovery facility, the fees levied under 19494
divisions (A), (B), and (C) of this section shall be levied upon 19495
the disposal of the fly ash and bottom ash remaining after burning 19496
of the solid wastes and shall be collected by the owner or 19497
operator of the sanitary landfill where the ash is disposed of. 19498

(4) When solid wastes are delivered to a solid waste transfer 19499
facility, the fees levied under divisions (B) and (C) of this 19500
section shall be levied upon the disposal of solid wastes 19501
transported off the premises of the transfer facility for disposal 19502
and shall be collected by the owner or operator of the solid waste 19503
disposal facility where the wastes are disposed of. 19504

(5) The fees levied under divisions (A), (B), and (C) of this 19505
section do not apply to sewage sludge that is generated by a waste 19506
water treatment facility holding a national pollutant discharge 19507
elimination system permit and that is disposed of through 19508
incineration, land application, or composting or at another 19509
resource recovery or disposal facility that is not a landfill. 19510

(6) The fees levied under divisions (A), (B), and (C) of this 19511
section do not apply to solid wastes delivered to a solid waste 19512
composting facility for processing. When any unprocessed solid 19513
waste or compost product is transported off the premises of a 19514
composting facility and disposed of at a landfill, the fees levied 19515
under divisions (A), (B), and (C) of this section shall be 19516
collected by the owner or operator of the landfill where the 19517

unprocessed waste or compost product is disposed of. 19518

(7) When solid wastes that consist of scrap tires are 19519
processed at a scrap tire recovery facility, the fees levied under 19520
divisions (A), (B), and (C) of this section shall be levied upon 19521
the disposal of the fly ash and bottom ash or other solid wastes 19522
remaining after the processing of the scrap tires and shall be 19523
collected by the owner or operator of the solid waste disposal 19524
facility where the ash or other solid wastes are disposed of. 19525

(8) The director of environmental protection may issue an 19526
order exempting from the fees levied under this section solid 19527
wastes, including, but not limited to, scrap tires, that are 19528
generated, transferred, or disposed of as a result of a contract 19529
providing for the expenditure of public funds entered into by the 19530
administrator or regional administrator of the United States 19531
environmental protection agency, the director of environmental 19532
protection, or the director of administrative services on behalf 19533
of the director of environmental protection for the purpose of 19534
remediating conditions at a hazardous waste facility, solid waste 19535
facility, or other location at which the administrator or regional 19536
administrator or the director of environmental protection has 19537
reason to believe that there is a substantial threat to public 19538
health or safety or the environment or that the conditions are 19539
causing or contributing to air or water pollution or soil 19540
contamination. An order issued by the director of environmental 19541
protection under division (D)(8) of this section shall include a 19542
determination that the amount of the fees not received by a solid 19543
waste management district as a result of the order will not 19544
adversely impact the implementation and financing of the 19545
district's approved solid waste management plan and any approved 19546
amendments to the plan. Such an order is a final action of the 19547
director of environmental protection. 19548

(E) The fees levied under divisions (B) and (C) of this 19549

section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall

be kept by the board in a separate and distinct fund to the credit
of the district. Moneys in the special fund of the county or joint
district arising from the fees levied under division (B) of this
section and the fee levied under division (A) of section 3734.573
of the Revised Code shall be expended by the board of county
commissioners or directors of the district in accordance with the
district's solid waste management plan or amended plan approved
under section 3734.521, 3734.55, or 3734.56 of the Revised Code
exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the
district under section 3734.54 of the Revised Code, monitoring
implementation of the plan, and conducting the periodic review and
amendment of the plan required by section 3734.56 of the Revised
Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management
plan or amended plan of the district, including, without
limitation, the development and implementation of solid waste
recycling or reduction programs;

(3) Providing financial assistance to boards of health within
the district, if solid waste facilities are located within the
district, for enforcement of this chapter and rules, orders, and
terms and conditions of permits, licenses, and variances adopted
or issued under it, other than the hazardous waste provisions of
this chapter and rules adopted and orders and terms and conditions
of permits issued under those provisions;

(4) Providing financial assistance to each county within the
district to defray the added costs of maintaining roads and other
public facilities and of providing emergency and other public
services resulting from the location and operation of a solid
waste facility within the county under the district's approved
solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health 19613
within the district, if solid waste facilities contained in the 19614
district's approved plan or amended plan are located within the 19615
district, for paying the costs incurred by those boards of health 19616
for collecting and analyzing samples from public or private water 19617
wells on lands adjacent to those facilities; 19618

(6) Developing and implementing a program for the inspection 19619
of solid wastes generated outside the boundaries of this state 19620
that are disposed of at solid waste facilities included in the 19621
district's approved solid waste management plan or amended plan; 19622

(7) Providing financial assistance to boards of health within 19623
the district for the enforcement of section 3734.03 of the Revised 19624
Code or to local law enforcement agencies having jurisdiction 19625
within the district for enforcing anti-littering laws and 19626
ordinances; 19627

(8) Providing financial assistance to boards of health of 19628
health districts within the district that are on the approved list 19629
under section 3734.08 of the Revised Code to defray the costs to 19630
the health districts for the participation of their employees 19631
responsible for enforcement of the solid waste provisions of this 19632
chapter and rules adopted and orders and terms and conditions of 19633
permits, licenses, and variances issued under those provisions in 19634
the training and certification program as required by rules 19635
adopted under division (L) of section 3734.02 of the Revised Code; 19636

(9) Providing financial assistance to individual municipal 19637
corporations and townships within the district to defray their 19638
added costs of maintaining roads and other public facilities and 19639
of providing emergency and other public services resulting from 19640
the location and operation within their boundaries of a 19641
composting, energy or resource recovery, incineration, or 19642
recycling facility that either is owned by the district or is 19643

furnishing solid waste management facility or recycling services 19644
to the district pursuant to a contract or agreement with the board 19645
of county commissioners or directors of the district; 19646

(10) Payment of any expenses that are agreed to, awarded, or 19647
ordered to be paid under section 3734.35 of the Revised Code and 19648
of any administrative costs incurred pursuant to that section. In 19649
the case of a joint solid waste management district, if the board 19650
of county commissioners of one of the counties in the district is 19651
negotiating on behalf of affected communities, as defined in that 19652
section, in that county, the board shall obtain the approval of 19653
the board of directors of the district in order to expend moneys 19654
for administrative costs incurred. 19655

Prior to the approval of the district's solid waste 19656
management plan under section 3734.55 of the Revised Code, moneys 19657
in the special fund of the district arising from the fees shall be 19658
expended for those purposes in the manner prescribed by the solid 19659
waste management policy committee by resolution. 19660

Notwithstanding division (G)(6) of this section as it existed 19661
prior to October 29, 1993, or any provision in a district's solid 19662
waste management plan prepared in accordance with division 19663
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 19664
prior to that date, any moneys arising from the fees levied under 19665
division (B)(3) of this section prior to January 1, 1994, may be 19666
expended for any of the purposes authorized in divisions (G)(1) to 19667
(10) of this section. 19668

(H) The director shall adopt rules in accordance with Chapter 19669
119. of the Revised Code prescribing procedures for collecting and 19670
forwarding the fees levied under divisions (B) and (C) of this 19671
section to the boards of county commissioners or directors of 19672
county or joint solid waste management districts and to the 19673
treasurers or other officers of municipal corporations and the 19674

fiscal officers of townships. The rules also shall prescribe the
dates for forwarding the fees to the boards and officials and may
prescribe any other requirements the director considers necessary
or appropriate to implement and administer divisions (A), (B), and
(C) of this section.

Sec. 3735.67. (A) The owner of real property located in a
community reinvestment area and eligible for exemption from
taxation under a resolution adopted pursuant to section 3735.66 of
the Revised Code may file an application for an exemption from
real property taxation of a percentage of the assessed valuation
of a new structure or remodeling, completed after the effective
date of the resolution adopted pursuant to section 3735.66 of the
Revised Code, with the housing officer designated pursuant to
section 3735.66 of the Revised Code for the community reinvestment
area in which the property is located. If any part of the new
structure or remodeling that would be exempted is of real property
to be used for commercial or industrial purposes, the legislative
authority and the owner of the property shall enter into a written
agreement pursuant to section 3735.671 of the Revised Code prior
to commencement of construction or remodeling; if such an
agreement is subject to approval by the board of education of the
school district within the territory of which the property is or
will be located, the agreement shall not be formally approved by
the legislative authority until the board of education approves
the agreement in the manner prescribed by that section.

(B) The housing officer shall verify the construction of the
new structure or the cost of the remodeling and the facts asserted
in the application. The housing officer shall determine whether
the construction or the cost of the remodeling meets the
requirements for an exemption under this section. In cases
involving a structure of historical or architectural significance,

the housing officer shall not determine whether the remodeling
meets the requirements for a tax exemption unless the
appropriateness of the remodeling has been certified, in writing,
by the society, association, agency, or legislative authority that
has designated the structure or by any organization or person
authorized, in writing, by such society, association, agency, or
legislative authority to certify the appropriateness of the
remodeling.

(C) If the construction or remodeling meets the requirements
for exemption, the housing officer shall forward the application
to the county auditor with a certification as to the division of
this section under which the exemption is granted, and the period
and percentage of the exemption as determined by the legislative
authority pursuant to that division. If the construction or
remodeling is of commercial or industrial property and the
legislative authority is not required to certify a copy of a
resolution under section 3735.671 of the Revised Code, the housing
officer shall comply with the notice requirements prescribed under
section 5709.83 of the Revised Code, unless the board has adopted
a resolution under that section waiving its right to receive such
a notice.

(D) ~~The~~ Except as provided in division (F) of this section,
the tax exemption shall first apply in the year the construction
or remodeling would first be taxable but for this section. In the
case of remodeling that qualifies for exemption, a percentage, not
to exceed one hundred per cent, of the amount by which the
remodeling increased the assessed value of the structure shall be
exempted from real property taxation. In the case of construction
of a structure that qualifies for exemption, a percentage, not to
exceed one hundred per cent, of the assessed value of the
structure shall be exempted from real property taxation. In either
case, the percentage shall be the percentage set forth in the

agreement if the structure or remodeling is to be used for 19738
commercial or industrial purposes, or the percentage set forth in 19739
the resolution describing the community reinvestment area if the 19740
structure or remodeling is to be used for residential purposes. 19741

The construction of new structures and the remodeling of 19742
existing structures are hereby declared to be a public purpose for 19743
which exemptions from real property taxation may be granted for 19744
the following periods: 19745

(1) For every dwelling containing not more than two family 19746
units located within the same community reinvestment area and upon 19747
which the cost of remodeling is at least two thousand five hundred 19748
dollars, a period to be determined by the legislative authority 19749
adopting the resolution describing the community reinvestment area 19750
where the dwelling is located, but not exceeding ten years; 19751

(2) For every dwelling containing more than two units and 19752
commercial or industrial properties, located within the same 19753
community reinvestment area, upon which the cost of remodeling is 19754
at least five thousand dollars, a period to be determined by the 19755
legislative authority adopting the resolution, but not exceeding 19756
twelve years; 19757

(3) ~~For~~ Except as provided in division (F) of this section, 19758
for construction of every dwelling, and commercial or industrial 19759
structure located within the same community reinvestment area, a 19760
period to be determined by the legislative authority adopting the 19761
resolution, but not exceeding fifteen years. 19762

(E) Any person, board, or officer authorized by section 19763
5715.19 of the Revised Code to file complaints with the county 19764
board of revision may file a complaint with the housing officer 19765
challenging the continued exemption of any property granted an 19766
exemption under this section. A complaint against exemption shall 19767
be filed prior to the thirty-first day of December of the tax year 19768

for which taxation of the property is requested. The housing officer shall determine whether the property continues to meet the requirements for exemption and shall certify the housing officer's findings to the complainant. If the housing officer determines that the property does not meet the requirements for exemption, the housing officer shall notify the county auditor, who shall correct the tax list and duplicate accordingly.

(F) The owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is the subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division continues only for those years remaining in the period described in division (D)(3) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

Sec. 3745.114. (A) A person that applies for a section 401 water quality certification under Chapter 6111. of the Revised Code and rules adopted under it shall pay an application fee of two hundred dollars at the time of application plus any of the following fees, as applicable:

(1) If the water resource to be impacted is a wetland, a review fee of five hundred dollars per acre of wetland to be impacted;

(2) If the water resource to be impacted is a stream one of the following fees, as applicable:

(a) For an ephemeral stream, a review fee of five dollars per 19799
linear foot of stream to be impacted, or two hundred dollars, 19800
whichever is greater; 19801

(b) For an intermittent stream, a review fee of ten dollars 19802
per linear foot of stream to be impacted, or two hundred dollars, 19803
whichever is greater; 19804

(c) For a perennial stream, a review fee of fifteen dollars 19805
per linear foot of stream to be impacted, or two hundred dollars, 19806
whichever is greater. 19807

(3) If the water resource to be impacted is a lake, a review 19808
fee of three dollars per cubic yard of dredged or fill material to 19809
be moved. 19810

(B) One-half of all applicable review fees levied under this 19811
section shall be due at the time of application for a section 401 19812
water quality certification. The remainder of the fees shall be 19813
paid upon the final disposition of the application for a section 19814
401 water quality certification. The total fee to be paid under 19815
this section shall not exceed twenty-five thousand dollars per 19816
application. However, if the applicant is a county, township, or 19817
municipal corporation in this state, the total fee to be paid 19818
shall not exceed five thousand dollars per application. 19819

(C) All money collected under this section shall be 19820
transmitted to the treasurer of state for deposit into the state 19821
treasury to the credit of the surface water protection fund 19822
created in section 6111.038 of the Revised Code. 19823

(D) The fees established under this section do not apply to 19824
any state agency as defined in section 119.01 of the Revised Code 19825
or to the United States army corps of engineers. 19826

(E) The fees established under this section do not apply to 19827
projects that are authorized by the environmental protection 19828

agency's general certifications of nationwide permits or general 19829
permits issued by the United States army corps of engineers. As 19830
used in this division, "general permit" and "nationwide permit" 19831
have the same meanings as in rules adopted under Chapter 6111. of 19832
the Revised Code. 19833

(F) Coal mining and reclamation operations that are 19834
authorized under Chapter 1513. of the Revised Code are exempt from 19835
the fees established under this ~~seciton~~ section for one year after 19836
~~the effective date of this seciton~~ the effective date of this 19837
amendment. 19838

(G) As used in this section: 19839

(1) "Ephemeral stream" means a stream that flows only in 19840
direct response to precipitation in the immediate watershed or in 19841
response to the melting of a cover of snow and ice and that has 19842
channel bottom that is always above the local water table. 19843

(2) "Intermittent stream" means a stream that is below the 19844
local water table and flows for at least a part of each year and 19845
that obtains its flow from both surface runoff and ground water 19846
discharge. 19847

(3) "Perennial stream" means a stream or a part of a stream 19848
that flows continuously during all of the calendar year as a 19849
result of ground water discharge or surface water runoff. 19850
"Perennial stream" does not include an intermittent stream or an 19851
ephemeral stream. 19852

Sec. 3905.43. No person, firm, association, partnership, 19853
company, or corporation shall publish or distribute or receive and 19854
print for publication or distribution any advertising matter in 19855
which insurance business is solicited, unless such advertiser has 19856
complied with the laws of this state regulating the business of 19857
insurance, ~~and a certificate of such compliance is issued by the~~ 19858

~~superintendent of insurance.~~ 19859

Sec. 4109.01. As used in this chapter: 19860

(A) "Employ" means to permit or suffer to work. 19861

(B) "Employer" means the state, its political subdivisions, 19862
and every person who employs any individual. 19863

(C) "Enforcement official" means the director of commerce or 19864
the director's authorized representative, the superintendent of 19865
public instruction or the superintendent's authorized 19866
representative, any school attendance officer, any probation 19867
officer, the director of health or the director of health's 19868
authorized representative, and any representative of a local 19869
department of health. 19870

(D) "Minor" means any person less than eighteen years of age. 19871

(E) "Seasonal amusement or recreational establishment" means 19872
both of the following: 19873

(1) An amusement or recreational establishment that does not 19874
operate for more than seven months in any calendar year; 19875

(2) An amusement or recreational establishment whose average 19876
receipts for any six months during the preceding calendar year 19877
were not more than thirty-three and one-third per cent of its 19878
average receipts for the other six months of that calendar year. 19879

Sec. 4109.02. (A) Except as provided in division (B) of this 19880
section or in section 4109.06 of the Revised Code, no minor of 19881
compulsory school age shall be employed by any employer unless the 19882
minor presents to the employer a proper age and schooling 19883
certificate as a condition of employment. 19884

A valid certificate constitutes conclusive evidence of the 19885
age of the minor and of the employer's right to employ the minor 19886
in occupations not denied by law to minors of that age under 19887

section 4109.06 of the Revised Code or rules adopted under that section. 19888
19889

(B) ~~The following minors~~ Minors aged sixteen or seventeen are not required to provide an age and schooling certificate as a condition of employment. 19890
19891
19892

~~(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. 19893
19894
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19898
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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 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:~~ 19900
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19904
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~~(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.~~ 19908
19909
19910
19911

~~(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.~~ 19912
19913
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19917

(C) To be hired for the type of employment described in 19918

division (B) of this section, minors shall provide the employer
with the following: 19919
19920

(1) Evidence of proof of age in the same manner as proof of
age is provided the superintendent of schools or chief 19921
administrative officer under division (A)(3) of section 3331.02 of 19922
the Revised Code; 19923
19924

(2) A statement signed by the minor's parent or guardian 19925
consenting to the proposed employment. For the purposes of this 19926
section, in the absence of a parent or guardian, a person over 19927
eighteen years of age with whom the minor resides may sign the 19928
statement. 19929

~~(3) An age and schooling certificate if one is required under 19930
division (B)(2) of this section by the superintendent of schools 19931
of the school district where the minor resides or by the chief 19932
administrative officer of the nonpublic or community school the 19933
child attends. 19934~~

~~(D) As used in this section: 19935~~

~~(1) "Labor day" and "Memorial day" have the same meanings as 19936
provided for those days in section 1.14 of the Revised Code. 19937~~

~~(2) "Seasonal amusement or recreational establishment" means 19938
both of the following: 19939~~

~~(a) An amusement or recreational establishment that does not 19940
operate for more than seven months in any calendar year; 19941~~

~~(b) An amusement or recreational establishment whose average 19942
receipts for any six months during the preceding calendar year 19943
were not more than thirty three and one third per cent of its 19944
average receipts for the other six months of that calendar year. 19945~~

Sec. 4109.06. (A) This chapter does not apply to the 19946
following: 19947

(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;	19948 19949 19950
(2) Students participating in a vocational program approved by the Ohio department of education;	19951 19952
(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;	19953 19954 19955 19956 19957 19958 19959 19960
(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 given solely for charitable purposes, or by a charitable or religious institution;	19961 19962 19963 19964 19965
(5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;	19966 19967 19968
(6) Minors engaged in the delivery of newspapers to the consumer;	19969 19970
(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;	19971 19972 19973
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	19974 19975
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	19976 19977

(10) Minors employed in agricultural employment in connection 19978
with farms operated by their parents, grandparents, or guardians 19979
where they are members of the guardians' household. Minors are not 19980
exempt from this chapter if they reside in agricultural labor 19981
camps as defined in section 3733.41 of the Revised Code; 19982

(11) Students participating in a program to serve as precinct 19983
officers as authorized by section 3501.22 of the Revised Code. 19984

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 19985
Revised Code do not apply to the following: 19986

(1) Minors who work in a sheltered workshop operated by a 19987
county board of mental retardation; 19988

(2) Minors performing services for a nonprofit organization 19989
where the minor receives no compensation, except for any expenses 19990
incurred by the minor or except for meals provided to the minor; 19991

(3) Minors who are employed in agricultural employment and 19992
who do not reside in agricultural labor camps. 19993

(C) Division (D) of section 4109.07 of the Revised Code does 19994
not apply to minors who have their employment hours established as 19995
follows: 19996

(1) A minor adjudicated to be an unruly child or delinquent 19997
child who, as a result of the adjudication, is placed on probation 19998
may either file a petition in the juvenile court in whose 19999
jurisdiction the minor resides, or apply to the superintendent or 20000
to the chief administrative officer who issued the minor's age and 20001
schooling certificate pursuant to section 3331.01 of the Revised 20002
Code, alleging the restrictions on the hours of employment 20003
described in division (D) of section 4109.07 of the Revised Code 20004
will cause a substantial hardship or are not in the minor's best 20005
interests. Upon receipt of a petition or application, the court, 20006
the superintendent, or the chief administrative officer, as 20007

appropriate, shall consult with the person required to supervise 20008
the minor on probation. If after that consultation, the court, the 20009
superintendent, or the chief administrative officer finds the 20010
minor has failed to show the restrictions will result in a 20011
substantial hardship or that the restrictions are not in the 20012
minor's best interests, the court, the superintendent, or the 20013
chief administrative officer shall uphold the restrictions. If 20014
after that consultation, the court, the superintendent, or the 20015
chief administrative officer finds the minor has shown the 20016
restricted hours will cause a substantial hardship or are not in 20017
the minor's best interests, the court, the superintendent, or the 20018
chief administrative officer shall establish differing hours of 20019
employment for the minor and notify the minor and the minor's 20020
employer of those hours, which shall be binding in lieu of the 20021
restrictions on the hours of employment described in division (D) 20022
of section 4109.07 of the Revised Code. 20023

(2) Any minor to whom division (C)(1) of this section does 20024
not apply may either file a petition in the juvenile court in 20025
whose jurisdiction the person resides, or apply to the 20026
superintendent or to the chief administrative officer who issued 20027
the minor's age and schooling certificate pursuant to section 20028
3331.01 of the Revised Code, alleging the restrictions on the 20029
hours of employment described in division (D) of section 4109.07 20030
of the Revised Code will cause a substantial hardship or are not 20031
in the minor's best interests. 20032

If, as a result of a petition or application, the court, the 20033
superintendent, or the chief administrative officer, as 20034
appropriate, finds the minor has failed to show such restrictions 20035
will result in a substantial hardship or that the restrictions are 20036
not in the minor's best interests, the court, the superintendent, 20037
or the chief administrative officer shall uphold the restrictions. 20038
If the court, the superintendent, or the chief administrative 20039

officer finds the minor has shown the restricted hours will cause 20040
a substantial hardship or are not in the minor's best interests, 20041
the court, the superintendent, or the chief administrative officer 20042
shall establish the hours of employment for the minor and shall 20043
notify the minor and the minor's employer of those hours. 20044

(D) Section 4109.03, divisions (A) and (C) of section 20045
4109.02, and division (B) of section 4109.08 of the Revised Code 20046
do not apply to minors who are sixteen or seventeen years of age 20047
and who are employed at a seasonal amusement or recreational 20048
establishment. 20049

(E) As used in this section, "certificate of high school 20050
equivalence" means a statement issued by the state board of 20051
education or an equivalent agency of another state that the holder 20052
of the statement has achieved the equivalent of a high school 20053
education as measured by scores obtained on the tests of general 20054
educational development published by the American council on 20055
education. 20056

Sec. 4117.01. As used in this chapter: 20057

(A) "Person," in addition to those included in division (C) 20058
of section 1.59 of the Revised Code, includes employee 20059
organizations, public employees, and public employers. 20060

(B) "Public employer" means the state or any political 20061
subdivision of the state located entirely within the state, 20062
including, without limitation, any municipal corporation with a 20063
population of at least five thousand according to the most recent 20064
federal decennial census; county; township with a population of at 20065
least five thousand in the unincorporated area of the township 20066
according to the most recent federal decennial census; school 20067
district; governing authority of a community school established 20068
under Chapter 3314. of the Revised Code; state institution of 20069

higher learning; public or special district; state agency,	20070
authority, commission, or board; or other branch of public	20071
employment.	20072
(C) "Public employee" means any person holding a position by	20073
appointment or employment in the service of a public employer,	20074
including any person working pursuant to a contract between a	20075
public employer and a private employer and over whom the national	20076
labor relations board has declined jurisdiction on the basis that	20077
the involved employees are employees of a public employer, except:	20078
(1) Persons holding elective office;	20079
(2) Employees of the general assembly and employees of any	20080
other legislative body of the public employer whose principal	20081
duties are directly related to the legislative functions of the	20082
body;	20083
(3) Employees on the staff of the governor or the chief	20084
executive of the public employer whose principal duties are	20085
directly related to the performance of the executive functions of	20086
the governor or the chief executive;	20087
(4) Persons who are members of the Ohio organized militia,	20088
while training or performing duty under section 5919.29 or 5923.12	20089
of the Revised Code;	20090
(5) Employees of the state employment relations board;	20091
(6) Confidential employees;	20092
(7) Management level employees;	20093
(8) Employees and officers of the courts, assistants to the	20094
attorney general, assistant prosecuting attorneys, and employees	20095
of the clerks of courts who perform a judicial function;	20096
(9) Employees of a public official who act in a fiduciary	20097
capacity, appointed pursuant to section 124.11 of the Revised	20098
Code;	20099

(10) Supervisors;	20100
(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;	20101 20102 20103 20104 20105
(12) Employees of county boards of election;	20106
(13) Seasonal and casual employees as determined by the state employment relations board;	20107 20108
(14) Part-time faculty members of an institution of higher education;	20109 20110
(15) Employees of the state personnel board of review;	20111
(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;	20112 20113 20114 20115 20116 20117
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	20118 20119 20120
(18) Employees who must be licensed to practice law in this state to perform their duties as employees.	20121 20122
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	20123 20124 20125 20126 20127
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive	20128 20129

representative under section 4117.05 of the Revised Code. 20130

(F) "Supervisor" means any individual who has authority, in 20131
the interest of the public employer, to hire, transfer, suspend, 20132
lay off, recall, promote, discharge, assign, reward, or discipline 20133
other public employees; to responsibly direct them; to adjust 20134
their grievances; or to effectively recommend such action, if the 20135
exercise of that authority is not of a merely routine or clerical 20136
nature, but requires the use of independent judgment, provided 20137
that: 20138

(1) Employees of school districts who are department 20139
chairpersons or consulting teachers shall not be deemed 20140
supervisors; 20141

(2) With respect to members of a police or fire department, 20142
no person shall be deemed a supervisor except the chief of the 20143
department or those individuals who, in the absence of the chief, 20144
are authorized to exercise the authority and perform the duties of 20145
the chief of the department. Where prior to June 1, 1982, a public 20146
employer pursuant to a judicial decision, rendered in litigation 20147
to which the public employer was a party, has declined to engage 20148
in collective bargaining with members of a police or fire 20149
department on the basis that those members are supervisors, those 20150
members of a police or fire department do not have the rights 20151
specified in this chapter for the purposes of future collective 20152
bargaining. The state employment relations board shall decide all 20153
disputes concerning the application of division (F)(2) of this 20154
section. 20155

(3) With respect to faculty members of a state institution of 20156
higher education, heads of departments or divisions are 20157
supervisors; however, no other faculty member or group of faculty 20158
members is a supervisor solely because the faculty member or group 20159
of faculty members participate in decisions with respect to 20160

courses, curriculum, personnel, or other matters of academic 20161
policy; 20162

(4) No teacher as defined in section 3319.09 of the Revised 20163
Code shall be designated as a supervisor or a management level 20164
employee unless the teacher is employed under a contract governed 20165
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 20166
is assigned to a position for which a license deemed to be for 20167
administrators under state board rules is required pursuant to 20168
section 3319.22 of the Revised Code. 20169

(G) "To bargain collectively" means to perform the mutual 20170
obligation of the public employer, by its representatives, and the 20171
representatives of its employees to negotiate in good faith at 20172
reasonable times and places with respect to wages, hours, terms, 20173
and other conditions of employment and the continuation, 20174
modification, or deletion of an existing provision of a collective 20175
bargaining agreement, with the intention of reaching an agreement, 20176
or to resolve questions arising under the agreement. "To bargain 20177
collectively" includes executing a written contract incorporating 20178
the terms of any agreement reached. The obligation to bargain 20179
collectively does not mean that either party is compelled to agree 20180
to a proposal nor does it require the making of a concession. 20181

(H) "Strike" means continuous concerted action in failing to 20182
report to duty; willful absence from one's position; or stoppage 20183
of work in whole from the full, faithful, and proper performance 20184
of the duties of employment, for the purpose of inducing, 20185
influencing, or coercing a change in wages, hours, terms, and 20186
other conditions of employment. "Strike" does not include a 20187
stoppage of work by employees in good faith because of dangerous 20188
or unhealthful working conditions at the place of employment that 20189
are abnormal to the place of employment. 20190

(I) "Unauthorized strike" includes, but is not limited to, 20191

concerted action during the term or extended term of a collective 20192
bargaining agreement or during the pendency of the settlement 20193
procedures set forth in section 4117.14 of the Revised Code in 20194
failing to report to duty; willful absence from one's position; 20195
stoppage of work; slowdown, or abstinence in whole or in part from 20196
the full, faithful, and proper performance of the duties of 20197
employment for the purpose of inducing, influencing, or coercing a 20198
change in wages, hours, terms, and other conditions of employment. 20199
"Unauthorized strike" includes any such action, absence, stoppage, 20200
slowdown, or abstinence when done partially or intermittently, 20201
whether during or after the expiration of the term or extended 20202
term of a collective bargaining agreement or during or after the 20203
pendency of the settlement procedures set forth in section 4117.14 20204
of the Revised Code. 20205

(J) "Professional employee" means any employee engaged in 20206
work that is predominantly intellectual, involving the consistent 20207
exercise of discretion and judgment in its performance and 20208
requiring knowledge of an advanced type in a field of science or 20209
learning customarily acquired by a prolonged course in an 20210
institution of higher learning or a hospital, as distinguished 20211
from a general academic education or from an apprenticeship; or an 20212
employee who has completed the courses of specialized intellectual 20213
instruction and is performing related work under the supervision 20214
of a professional person to become qualified as a professional 20215
employee. 20216

(K) "Confidential employee" means any employee who works in 20217
the personnel offices of a public employer and deals with 20218
information to be used by the public employer in collective 20219
bargaining; or any employee who works in a close continuing 20220
relationship with public officers or representatives directly 20221
participating in collective bargaining on behalf of the employer. 20222

(L) "Management level employee" means an individual who 20223

formulates policy on behalf of the public employer, who 20224
responsibly directs the implementation of policy, or who may 20225
reasonably be required on behalf of the public employer to assist 20226
in the preparation for the conduct of collective negotiations, 20227
administer collectively negotiated agreements, or have a major 20228
role in personnel administration. Assistant superintendents, 20229
principals, and assistant principals whose employment is governed 20230
by section 3319.02 of the Revised Code are management level 20231
employees. With respect to members of a faculty of a state 20232
institution of higher education, no person is a management level 20233
employee because of the person's involvement in the formulation or 20234
implementation of academic or institution policy. 20235

(M) "Wages" means hourly rates of pay, salaries, or other 20236
forms of compensation for services rendered. 20237

(N) "Member of a police department" means a person who is in 20238
the employ of a police department of a municipal corporation as a 20239
full-time regular police officer as the result of an appointment 20240
from a duly established civil service eligibility list or under 20241
section 737.15 or 737.16 of the Revised Code, a full-time deputy 20242
sheriff appointed under section 311.04 of the Revised Code, a 20243
township constable appointed under section 509.01 of the Revised 20244
Code, or a member of a township police district police department 20245
appointed under section 505.49 of the Revised Code. 20246

(O) "Members of the state highway patrol" means highway 20247
patrol troopers and radio operators appointed under section 20248
5503.01 of the Revised Code. 20249

(P) "Member of a fire department" means a person who is in 20250
the employ of a fire department of a municipal corporation or a 20251
township as a fire cadet, full-time regular firefighter, or 20252
promoted rank as the result of an appointment from a duly 20253
established civil service eligibility list or under section 20254

505.38, 709.012, or 737.22 of the Revised Code. 20255

(Q) "Day" means calendar day. 20256

Sec. 4303.207. (A) As used in this section: 20257

(1) "Nonprofit organization" means any unincorporated 20258
association or nonprofit corporation that is not formed for the 20259
pecuniary gain or profit of, and whose net earnings or any part of 20260
whose net earnings is not distributable to, its members, trustees, 20261
directors, officers, or other private persons. 20262

(2) "Qualified golf event" means a golf tournament or other 20263
golf competition event that meets all of the following 20264
requirements: 20265

(a) It is hosted by the nonprofit organization to which an 20266
F-7 permit is issued. 20267

(b) It is sanctioned by a recognized national golf 20268
organization. 20269

(c) It includes the sale of food for consumption on the 20270
premises for which an F-7 permit is issued. 20271

(d) Contributions to charity are made from the proceeds of 20272
the event that equal in the aggregate at least two hundred 20273
thousand dollars. 20274

(3) "Recognized national golf organization" means any of the 20275
following: 20276

(a) The United States golf association; 20277

(b) The professional golf association of America (PGA); 20278

(c) The PGA tour, including the champions tour and the 20279
nationwide tour; 20280

(d) The LPGA tour; 20281

(e) The successors of any organization listed in divisions 20282

<u>(A)(3)(a) to (d) of this section.</u>	20283
<u>(B) An F-7 permit may be issued to a nonprofit organization</u>	20284
<u>to sell beer, wine, mixed beverages, and spirituous liquor by the</u>	20285
<u>individual drink at a qualified golf event being held on premises</u>	20286
<u>located in a political subdivision or part of a political</u>	20287
<u>subdivision where the sale of beer, wine, mixed beverages, and</u>	20288
<u>spirituous liquor is otherwise permitted by law on that day, if</u>	20289
<u>both of the following requirements are met:</u>	20290
<u>(1) The superintendent of liquor control is satisfied that</u>	20291
<u>the organization is a nonprofit organization. For this purpose,</u>	20292
<u>the superintendent may accept as proof a sworn statement by the</u>	20293
<u>president or other chief executive officer of the applicant</u>	20294
<u>organization.</u>	20295
<u>(2) The superintendent is satisfied that the event for which</u>	20296
<u>the F-7 permit is sought to be issued is a qualified golf event.</u>	20297
<u>For this purpose, the superintendent may accept as proof a sworn</u>	20298
<u>statement by the president or other chief executive officer of the</u>	20299
<u>applicant organization.</u>	20300
<u>(C) The premises for which the F-7 permit is issued shall</u>	20301
<u>meet all of the following requirements:</u>	20302
<u>(1) Be owned or leased by the nonprofit organization to which</u>	20303
<u>the F-7 permit issued;</u>	20304
<u>(2) Be limited to areas in which the qualified golf event is</u>	20305
<u>conducted and to other areas that are contiguous to those areas in</u>	20306
<u>which the qualified golf event is conducted, which areas are</u>	20307
<u>specifically designated for food and beverage consumption and</u>	20308
<u>hospitality for the qualified golf event;</u>	20309
<u>(3) Be clearly defined;</u>	20310
<u>(4) Be sufficiently restricted to allow proper supervision of</u>	20311
<u>use of the permit by state and local law enforcement personnel.</u>	20312

(D) A nonprofit organization to which an F-7 permit is issued 20313
shall be held responsible for any conduct that violates the laws 20314
pertaining to the sale of beer, wine, mixed beverages, or 20315
spirituous liquor. 20316

(E) The division of liquor control shall prepare and make 20317
available an F-7 permit application form and may require 20318
applicants for the permit to provide information that, in addition 20319
to the information required by this section, is necessary for the 20320
administration of this section. 20321

(F) An F-7 permit shall be effective for a period not to 20322
exceed eight consecutive days. The division of liquor control 20323
shall not issue more than two F-7 permits per calendar year to the 20324
same nonprofit organization. The fee for an F-7 permit is four 20325
hundred fifty dollars. 20326

Sec. 4303.29. (A) No permit, other than an H permit, shall be 20327
issued to a firm or partnership unless all the members of the firm 20328
or partnership are citizens of the United States and a majority 20329
have resided in this state for one year prior to application for 20330
the permit. No permit, other than an H permit, shall be issued to 20331
an individual who is not a citizen of the United States who has 20332
resided in this state for at least one year prior to application 20333
for the permit. No permit, other than an E or H permit, shall be 20334
issued to any corporation organized under the laws of any country, 20335
territory, or state other than this state until it has furnished 20336
the division of liquor control with evidence that it has complied 20337
with the laws of this state relating to the transaction of 20338
business in this state. 20339

The division may refuse to issue any permit to or refuse to 20340
renew any permit of any person convicted of any felony that is 20341
reasonably related to the person's fitness to operate a liquor 20342
permit business in this state. No holder of a permit shall sell, 20343

assign, transfer, or pledge the permit without the written consent 20344
of the division. 20345

(B)(1) No more than one of each type of C or D permit shall 20346
be issued to any one person, firm, or corporation in any county 20347
having a population of less than twenty-five thousand, and no more 20348
than one of each type of C or D permit shall be issued to any one 20349
person, firm, or corporation for any additional twenty-five 20350
thousand or major fraction thereof in any county having a greater 20351
population than twenty-five thousand, provided that, in the case 20352
of D-3, D-3a, D-4, and D-5 permits, no more than one permit shall 20353
be issued to any one person, firm, or corporation in any county 20354
having a population of less than fifty thousand, and no more than 20355
one such permit shall be issued to any one person, firm, or 20356
corporation for any additional fifty thousand or major fraction 20357
thereof in any county having a greater population than fifty 20358
thousand. 20359

(2) No D-3 permit shall be issued to any club unless the club 20360
has been continuously engaged in the activity specified in section 20361
4303.15 of the Revised Code, as a qualification for that class of 20362
permit, for two years at the time the permit is issued. 20363

(3)(a) Subject to division (B)(3)(b) of this section, upon 20364
application by properly qualified persons, one C-1 and C-2 permit 20365
shall be issued for each one thousand population or part of that 20366
population, and one D-1 and D-2 permit shall be issued for each 20367
two thousand population or part of that population, in each 20368
municipal corporation and in the unincorporated area of each 20369
township. 20370

Subject to division (B)(3)(b) of this section, not more than 20371
one D-3, D-4, or D-5 permit shall be issued for each two thousand 20372
population or part of that population in any municipal corporation 20373
and in the unincorporated area of any township, except that, in 20374

any city of a population of fifty-five thousand or more, one D-3 20375
permit may be issued for each fifteen hundred population or part 20376
of that population. 20377

(b)(i) Division (B)(3)(a) of this section does not prohibit 20378
the transfer of location or the transfer of ownership and location 20379
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 20380
corporation or the unincorporated area of a township in which the 20381
number of permits of that class exceeds the number of such permits 20382
authorized to be issued under division (B)(3)(a) of this section 20383
to an economic development project located in another municipal 20384
corporation or the unincorporated area of another township in 20385
which no additional permits of that class may be issued to the 20386
applicant under division (B)(3)(a) of this section, but the 20387
transfer of location or transfer of ownership and location of the 20388
permit may occur only if the applicant notifies the municipal 20389
corporation or township to which the location of the permit will 20390
be transferred regarding the transfer and that municipal 20391
corporation or township acknowledges in writing to the division of 20392
liquor control, at the time the application for the transfer of 20393
location or transfer of ownership and location of the permit is 20394
filed, that the transfer will be to an economic development 20395
project. This acknowledgment by the municipal corporation or 20396
township does not prohibit it from requesting a hearing under 20397
section 4303.26 of the Revised Code. The applicant is eligible to 20398
apply for and receive the transfer of location of the permit under 20399
division (B)(3)(b) of this section if all permits of that class 20400
that may be issued under division (B)(3)(a) of this section in the 20401
applicable municipal corporation or unincorporated area of the 20402
township have already been issued or if the number of applications 20403
filed for permits of that class in that municipal corporation or 20404
the unincorporated area of that township exceed the number of 20405
permits of that class that may be issued there under division 20406

(B)(3)(a) of this section. 20407

A permit transferred under division (B)(3)(b) of this section 20408
may be subsequently transferred to a different owner at the same 20409
location, or to the same owner or a different owner at a different 20410
location in the same municipal corporation or in the 20411
unincorporated area of the same township, as long as the same or 20412
new location meets the economic development project criteria set 20413
forth in this section. 20414

(ii) Factors that shall be used to determine the designation 20415
of an economic development project include, but are not limited 20416
to, architectural certification of the plans and the cost of the 20417
project, the number of jobs that will be created by the project, 20418
projected earnings of the project, projected tax revenues for the 20419
political subdivisions in which the project will be located, and 20420
the amount of financial investment in the project. The 20421
superintendent of liquor control shall determine whether the 20422
existing or proposed business that is seeking a permit described 20423
in division (B)(3)(b) of this section qualifies as an economic 20424
development project and, if the superintendent determines that it 20425
so qualifies, shall designate the business as an economic 20426
development project. 20427

(4) Nothing in this section shall be construed to restrict 20428
the issuance of a permit to a municipal corporation for use at a 20429
municipally owned airport at which commercial airline companies 20430
operate regularly scheduled flights on which space is available to 20431
the public. A municipal corporation applying for a permit for such 20432
a municipally owned airport is exempt, in regard to that 20433
application, from the population restrictions contained in this 20434
section and from population quota restrictions contained in any 20435
rule of the liquor control commission. A municipal corporation 20436
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 20437
municipally owned airport is subject to section 4303.31 of the 20438

Revised Code. 20439

(5) Nothing in this section shall be construed to prohibit 20440
the issuance of a D permit to the board of trustees of a soldiers' 20441
memorial for a premises located at a soldiers' memorial 20442
established pursuant to Chapter 345. of the Revised Code. An 20443
application for a D permit by the board for those premises is 20444
exempt from the population restrictions contained in this section 20445
and from the population quota restrictions contained in any rule 20446
of the liquor control commission. The location of a D permit 20447
issued to the board for those premises shall not be transferred. A 20448
board of trustees of a soldiers' memorial applying for a D-1, D-2, 20449
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 20450
section 4303.31 of the Revised Code. 20451

(6) Nothing in this section shall be construed to restrict 20452
the issuance of a permit for a premises located at a golf course 20453
owned by a municipal corporation, township, or county, owned by a 20454
park district created under Chapter 1545. of the Revised Code, or 20455
owned by the state. The location of such a permit issued on or 20456
after September 26, 1984, for a premises located at such a golf 20457
course shall not be transferred. Any application for such a permit 20458
is exempt from the population quota restrictions contained in this 20459
section and from the population quota restrictions contained in 20460
any rule of the liquor control commission. A municipal 20461
corporation, township, county, park district, or state agency 20462
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 20463
course is subject to section 4303.31 of the Revised Code. 20464

(7) As used in division (B)(7) of this section, "fair" has 20465
the same meaning as in section 991.01 of the Revised Code; ~~and~~ "state 20466
fairgrounds" means the property that is held by the state for the 20467
purpose of conducting fairs, expositions, and exhibits and that is 20468
maintained and managed by the Ohio expositions commission under 20469
section 991.03 of the Revised Code, ~~and~~; "capitol square" has the 20470

same meaning as in section 105.41 of the Revised Code; and "Ohio 20471
judicial center" means the site of the Ohio supreme court and its 20472
grounds. 20473

Nothing in this section shall be construed to restrict the 20474
issuance of one or more D permits to one or more applicants for 20475
all or a part of ~~either~~ the state fairgrounds ~~or~~, capitol square, 20476
or the Ohio judicial center. An application for a D permit for the 20477
state fairgrounds ~~or~~, capitol square, or the Ohio judicial center 20478
is exempt from the population quota restrictions contained in this 20479
section and from the population quota restrictions contained in 20480
any rule of the liquor control commission. The location of a D 20481
permit issued for the state fairgrounds ~~or~~, capitol square, or the 20482
Ohio judicial center shall not be transferred. An applicant for a 20483
D-1, D-2, D-3, or D-5 permit for the state fairgrounds is not 20484
subject to section 4303.31 of the Revised Code. 20485

Pursuant to section 1711.09 of the Revised Code, the holder 20486
of a D permit issued for the state fairgrounds shall not deal in 20487
spirituous liquor at the state fairgrounds during, or for one week 20488
before or for three days after, any fair held at the state 20489
fairgrounds. 20490

(8) Nothing in this section shall be construed to prohibit 20491
the issuance of a D permit for a premises located at a zoological 20492
park at which sales have been approved in an election held under 20493
former section 4301.356 of the Revised Code. An application for a 20494
D permit for such a premises is exempt from the population 20495
restrictions contained in this section, from the population quota 20496
restrictions contained in any rule of the liquor control 20497
commission, and from section 4303.31 of the Revised Code. The 20498
location of a D permit issued for a premises at such a zoological 20499
park shall not be transferred, and no quota or other restrictions 20500
shall be placed on the number of D permits that may be issued for 20501
a premises at such a zoological park. 20502

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 20503
any election precinct in any municipal corporation or in any 20504
election precinct in the unincorporated area of any township, in 20505
which at the November, 1933, election a majority of the electors 20506
voting thereon in the municipal corporation or in the 20507
unincorporated area of the township voted against the repeal of 20508
Section 9 of Article XV, Ohio Constitution, unless the sale of 20509
spirituous liquor by the glass is authorized by a majority vote of 20510
the electors voting on the question in the precinct at an election 20511
held pursuant to this section or by a majority vote of the 20512
electors of the precinct voting on question (C) at a special local 20513
option election held in the precinct pursuant to section 4301.35 20514
of the Revised Code. Upon the request of an elector, the board of 20515
elections of the county that encompasses the precinct shall 20516
furnish the elector with a copy of the instructions prepared by 20517
the secretary of state under division (P) of section 3501.05 of 20518
the Revised Code and, within fifteen days after the request, a 20519
certificate of the number of signatures required for a valid 20520
petition under this section. 20521

Upon the petition of thirty-five per cent of the total number 20522
of voters voting in any such precinct for the office of governor 20523
at the preceding general election, filed with the board of 20524
elections of the county in which such precinct is located not 20525
later than seventy-five days before a general election, the board 20526
shall prepare ballots and hold an election at such general 20527
election upon the question of allowing spirituous liquor to be 20528
sold by the glass in such precinct. The ballots shall be approved 20529
in form by the secretary of state. The results of the election 20530
shall be certified by the board to the secretary of state, who 20531
shall certify the results to the division. 20532

(2) No holder of a class D-3 permit issued for a boat or 20533
vessel shall sell spirituous liquor in any precinct, in which the 20534

election provided for in this section may be held, unless the sale of spirituous liquor by the drink has been authorized by vote of the electors as provided in this section or in section 4301.35 of the Revised Code.

(D) Any holder of a C or D permit whose permit premises were purchased in 1986 or 1987 by the state of ~~Ohio~~ or any state agency for highway purposes shall be issued the same permit at another location notwithstanding any quota restrictions contained in this chapter or in any rule of the liquor control commission.

Sec. 4503.105. (A) A motor vehicle renting dealer may charge each vehicle renter a separate vehicle license fee to recover the dealer's cost related to the annual vehicle registration, license plates, and title fees imposed upon vehicles in the dealer's fleet under Title XLV of the Revised Code. Any dealer who separately charges a vehicle license fee shall do all of the following:

(1) Make a good faith estimate of the average per day per vehicle portion of the dealer's total annual registration, license plates, and title fees paid in this state for its rental fleet during the calendar year;

(2) Separately itemize and charge the vehicle license fee in the rental agreement between the dealer and a renter, and specifically describe the vehicle license fee in the rental agreement as the estimated average per day per vehicle portion of the dealer's total annual registration, license plates, and title fees;

(3) In any advertisement made in this state that describes vehicle rental rates for vehicles available for rent in this state, include a statement that the renter is required to pay the vehicle license fee and disclose the maximum daily charge for the vehicle license fee.

(B) Any dealer who separately charges a vehicle license fee shall not charge, collect, or retain any amount in excess of the actual average per day per vehicle portion of the dealer's total annual registration, license plates, and title fees paid in this state for its rental fleet during the calendar year. If a dealer recovers the dealer's actual costs related to the annual vehicle registration, license plates, and title fees, the dealer shall cease to itemize and charge such costs in any rental agreement during that calendar year.

(C) As used in this section, "motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the

selection or administration of drugs, or failure to employ 20595
acceptable scientific methods in the selection of drugs or other 20596
modalities for treatment of disease; 20597

(3) Selling, giving away, personally furnishing, prescribing, 20598
or administering drugs for other than legal and legitimate 20599
therapeutic purposes or a plea of guilty to, a judicial finding of 20600
guilt of, or a judicial finding of eligibility for intervention in 20601
lieu of conviction of, a violation of any federal or state law 20602
regulating the possession, distribution, or use of any drug; 20603

(4) Willfully betraying a professional confidence. 20604

For purposes of this division, "willfully betraying a 20605
professional confidence" does not include providing any 20606
information, documents, or reports to a child fatality review 20607
board under sections 307.621 to 307.629 of the Revised Code and 20608
does not include the making of a report of an employee's use of a 20609
drug of abuse, or a report of a condition of an employee other 20610
than one involving the use of a drug of abuse, to the employer of 20611
the employee as described in division (B) of section 2305.33 of 20612
the Revised Code. Nothing in this division affects the immunity 20613
from civil liability conferred by that section upon a physician 20614
who makes either type of report in accordance with division (B) of 20615
that section. As used in this division, "employee," "employer," 20616
and "physician" have the same meanings as in section 2305.33 of 20617
the Revised Code. 20618

(5) Making a false, fraudulent, deceptive, or misleading 20619
statement in the solicitation of or advertising for patients; in 20620
relation to the practice of medicine and surgery, osteopathic 20621
medicine and surgery, podiatric medicine and surgery, or a limited 20622
branch of medicine; or in securing or attempting to secure any 20623
certificate to practice or certificate of registration issued by 20624
the board. 20625

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the

jurisdiction in which the act was committed; 20656

(13) A plea of guilty to, a judicial finding of guilt of, or 20657
a judicial finding of eligibility for intervention in lieu of 20658
conviction for, a misdemeanor involving moral turpitude; 20659

(14) Commission of an act involving moral turpitude that 20660
constitutes a misdemeanor in this state, regardless of the 20661
jurisdiction in which the act was committed; 20662

(15) Violation of the conditions of limitation placed by the 20663
board upon a certificate to practice; 20664

(16) Failure to pay license renewal fees specified in this 20665
chapter; 20666

(17) Except as authorized in section 4731.31 of the Revised 20667
Code, engaging in the division of fees for referral of patients, 20668
or the receiving of a thing of value in return for a specific 20669
referral of a patient to utilize a particular service or business; 20670

(18) Subject to section 4731.226 of the Revised Code, 20671
violation of any provision of a code of ethics of the American 20672
medical association, the American osteopathic association, the 20673
American podiatric medical association, or any other national 20674
professional organizations that the board specifies by rule. The 20675
state medical board shall obtain and keep on file current copies 20676
of the codes of ethics of the various national professional 20677
organizations. The individual whose certificate is being suspended 20678
or revoked shall not be found to have violated any provision of a 20679
code of ethics of an organization not appropriate to the 20680
individual's profession. 20681

For purposes of this division, a "provision of a code of 20682
ethics of a national professional organization" does not include 20683
any provision that would preclude the making of a report by a 20684
physician of an employee's use of a drug of abuse, or of a 20685

condition of an employee other than one involving the use of a 20686
drug of abuse, to the employer of the employee as described in 20687
division (B) of section 2305.33 of the Revised Code. Nothing in 20688
this division affects the immunity from civil liability conferred 20689
by that section upon a physician who makes either type of report 20690
in accordance with division (B) of that section. As used in this 20691
division, "employee," "employer," and "physician" have the same 20692
meanings as in section 2305.33 of the Revised Code. 20693

(19) Inability to practice according to acceptable and 20694
prevailing standards of care by reason of mental illness or 20695
physical illness, including, but not limited to, physical 20696
deterioration that adversely affects cognitive, motor, or 20697
perceptive skills. 20698

In enforcing this division, the board, upon a showing of a 20699
possible violation, may compel any individual authorized to 20700
practice by this chapter or who has submitted an application 20701
pursuant to this chapter to submit to a mental examination, 20702
physical examination, including an HIV test, or both a mental and 20703
a physical examination. The expense of the examination is the 20704
responsibility of the individual compelled to be examined. Failure 20705
to submit to a mental or physical examination or consent to an HIV 20706
test ordered by the board constitutes an admission of the 20707
allegations against the individual unless the failure is due to 20708
circumstances beyond the individual's control, and a default and 20709
final order may be entered without the taking of testimony or 20710
presentation of evidence. If the board finds an individual unable 20711
to practice because of the reasons set forth in this division, the 20712
board shall require the individual to submit to care, counseling, 20713
or treatment by physicians approved or designated by the board, as 20714
a condition for initial, continued, reinstated, or renewed 20715
authority to practice. An individual affected under this division 20716
shall be afforded an opportunity to demonstrate to the board the 20717

ability to resume practice in compliance with acceptable and 20718
prevailing standards under the provisions of the individual's 20719
certificate. For the purpose of this division, any individual who 20720
applies for or receives a certificate to practice under this 20721
chapter accepts the privilege of practicing in this state and, by 20722
so doing, shall be deemed to have given consent to submit to a 20723
mental or physical examination when directed to do so in writing 20724
by the board, and to have waived all objections to the 20725
admissibility of testimony or examination reports that constitute 20726
a privileged communication. 20727

(20) Except when civil penalties are imposed under section 20728
4731.225 or 4731.281 of the Revised Code, and subject to section 20729
4731.226 of the Revised Code, violating or attempting to violate, 20730
directly or indirectly, or assisting in or abetting the violation 20731
of, or conspiring to violate, any provisions of this chapter or 20732
any rule promulgated by the board. 20733

This division does not apply to a violation or attempted 20734
violation of, assisting in or abetting the violation of, or a 20735
conspiracy to violate, any provision of this chapter or any rule 20736
adopted by the board that would preclude the making of a report by 20737
a physician of an employee's use of a drug of abuse, or of a 20738
condition of an employee other than one involving the use of a 20739
drug of abuse, to the employer of the employee as described in 20740
division (B) of section 2305.33 of the Revised Code. Nothing in 20741
this division affects the immunity from civil liability conferred 20742
by that section upon a physician who makes either type of report 20743
in accordance with division (B) of that section. As used in this 20744
division, "employee," "employer," and "physician" have the same 20745
meanings as in section 2305.33 of the Revised Code. 20746

(21) The violation of section 3701.79 of the Revised Code or 20747
of any abortion rule adopted by the public health council pursuant 20748
to section 3701.341 of the Revised Code; 20749

(22) Any of the following actions taken by the agency 20750
responsible for regulating the practice of medicine and surgery, 20751
osteopathic medicine and surgery, podiatric medicine and surgery, 20752
or the limited branches of medicine in another jurisdiction, for 20753
any reason other than the nonpayment of fees: the limitation, 20754
revocation, or suspension of an individual's license to practice; 20755
acceptance of an individual's license surrender; denial of a 20756
license; refusal to renew or reinstate a license; imposition of 20757
probation; or issuance of an order of censure or other reprimand; 20758

(23) The violation of section 2919.12 of the Revised Code or 20759
the performance or inducement of an abortion upon a pregnant woman 20760
with actual knowledge that the conditions specified in division 20761
(B) of section 2317.56 of the Revised Code have not been satisfied 20762
or with a heedless indifference as to whether those conditions 20763
have been satisfied, unless an affirmative defense as specified in 20764
division (H)(2) of that section would apply in a civil action 20765
authorized by division (H)(1) of that section; 20766

(24) The revocation, suspension, restriction, reduction, or 20767
termination of clinical privileges by the United States department 20768
of defense or department of veterans affairs or the termination or 20769
suspension of a certificate of registration to prescribe drugs by 20770
the drug enforcement administration of the United States 20771
department of justice; 20772

(25) Termination or suspension from participation in the 20773
medicare or medicaid programs by the department of health and 20774
human services or other responsible agency for any act or acts 20775
that also would constitute a violation of division (B)(2), (3), 20776
(6), (8), or (19) of this section; 20777

(26) Impairment of ability to practice according to 20778
acceptable and prevailing standards of care because of habitual or 20779
excessive use or abuse of drugs, alcohol, or other substances that 20780

impair ability to practice. 20781

For the purposes of this division, any individual authorized 20782
to practice by this chapter accepts the privilege of practicing in 20783
this state subject to supervision by the board. By filing an 20784
application for or holding a certificate to practice under this 20785
chapter, an individual shall be deemed to have given consent to 20786
submit to a mental or physical examination when ordered to do so 20787
by the board in writing, and to have waived all objections to the 20788
admissibility of testimony or examination reports that constitute 20789
privileged communications. 20790

If it has reason to believe that any individual authorized to 20791
practice by this chapter or any applicant for certification to 20792
practice suffers such impairment, the board may compel the 20793
individual to submit to a mental or physical examination, or both. 20794
The expense of the examination is the responsibility of the 20795
individual compelled to be examined. Any mental or physical 20796
examination required under this division shall be undertaken by a 20797
treatment provider or physician who is qualified to conduct the 20798
examination and who is chosen by the board. 20799

Failure to submit to a mental or physical examination ordered 20800
by the board constitutes an admission of the allegations against 20801
the individual unless the failure is due to circumstances beyond 20802
the individual's control, and a default and final order may be 20803
entered without the taking of testimony or presentation of 20804
evidence. If the board determines that the individual's ability to 20805
practice is impaired, the board shall suspend the individual's 20806
certificate or deny the individual's application and shall require 20807
the individual, as a condition for initial, continued, reinstated, 20808
or renewed certification to practice, to submit to treatment. 20809

Before being eligible to apply for reinstatement of a 20810
certificate suspended under this division, the impaired 20811

practitioner shall demonstrate to the board the ability to resume
practice in compliance with acceptable and prevailing standards of
care under the provisions of the practitioner's certificate. The
demonstration shall include, but shall not be limited to, the
following:

(a) Certification from a treatment provider approved under
section 4731.25 of the Revised Code that the individual has
successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare
contract or consent agreement;

(c) Two written reports indicating that the individual's
ability to practice has been assessed and that the individual has
been found capable of practicing according to acceptable and
prevailing standards of care. The reports shall be made by
individuals or providers approved by the board for making the
assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this
division after that demonstration and after the individual has
entered into a written consent agreement.

When the impaired practitioner resumes practice, the board
shall require continued monitoring of the individual. The
monitoring shall include, but not be limited to, compliance with
the written consent agreement entered into before reinstatement or
with conditions imposed by board order after a hearing, and, upon
termination of the consent agreement, submission to the board for
at least two years of annual written progress reports made under
penalty of perjury stating whether the individual has maintained
sobriety.

(27) A second or subsequent violation of section 4731.66 or
4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:	20842
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	20843 20844 20845 20846 20847 20848
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	20849 20850 20851 20852 20853
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	20854 20855 20856
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	20857 20858 20859 20860 20861
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	20862 20863 20864 20865
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	20866 20867 20868 20869 20870 20871 20872

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	20873 20874 20875
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	20876 20877 20878 20879 20880 20881 20882 20883 20884
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;	20885 20886 20887
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	20888 20889 20890
(37) Assisting suicide as defined in section 3795.01 of the Revised Code.	20891 20892
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall	20893 20894 20895 20896 20897 20898 20899 20900 20901 20902 20903

be of no force or effect.

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If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice.

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(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

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(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall

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not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records. 20936
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(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board. 20938
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 20950
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. Before issuance of a subpoena for patient record information, the 20959
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secretary and supervising member shall determine whether there is 20968
probable cause to believe that the complaint filed alleges a 20969
violation of this chapter or any rule adopted under it and that 20970
the records sought are relevant to the alleged violation and 20971
material to the investigation. The subpoena may apply only to 20972
records that cover a reasonable period of time surrounding the 20973
alleged violation. 20974

On failure to comply with any subpoena issued by the board 20975
and after reasonable notice to the person being subpoenaed, the 20976
board may move for an order compelling the production of persons 20977
or records pursuant to the Rules of Civil Procedure. 20978

A subpoena issued by the board may be served by a sheriff, 20979
the sheriff's deputy, or a board employee designated by the board. 20980
Service of a subpoena issued by the board may be made by 20981
delivering a copy of the subpoena to the person named therein, 20982
reading it to the person, or leaving it at the person's usual 20983
place of residence. When the person being served is a person whose 20984
practice is authorized by this chapter, service of the subpoena 20985
may be made by certified mail, restricted delivery, return receipt 20986
requested, and the subpoena shall be deemed served on the date 20987
delivery is made or the date the person refuses to accept 20988
delivery. 20989

A sheriff's deputy who serves a subpoena shall receive the 20990
same fees as a sheriff. Each witness who appears before the board 20991
in obedience to a subpoena shall receive the fees and mileage 20992
provided for witnesses in civil cases in the courts of common 20993
pleas. 20994

(4) All hearings and investigations of the board shall be 20995
considered civil actions for the purposes of section 2305.252 of 20996
the Revised Code. 20997

(5) Information received by the board pursuant to an 20998

investigation is confidential and not subject to discovery in any 20999
civil action. 21000

The board shall conduct all investigations and proceedings in 21001
a manner that protects the confidentiality of patients and persons 21002
who file complaints with the board. The board shall not make 21003
public the names or any other identifying information about 21004
patients or complainants unless proper consent is given or, in the 21005
case of a patient, a waiver of the patient privilege exists under 21006
division (B) of section 2317.02 of the Revised Code, except that 21007
consent or a waiver of that nature is not required if the board 21008
possesses reliable and substantial evidence that no bona fide 21009
physician-patient relationship exists. 21010

The board may share any information it receives pursuant to 21011
an investigation, including patient records and patient record 21012
information, with law enforcement agencies, other licensing 21013
boards, and other governmental agencies that are prosecuting, 21014
adjudicating, or investigating alleged violations of statutes or 21015
administrative rules. An agency or board that receives the 21016
information shall comply with the same requirements regarding 21017
confidentiality as those with which the state medical board must 21018
comply, notwithstanding any conflicting provision of the Revised 21019
Code or procedure of the agency or board that applies when it is 21020
dealing with other information in its possession. In a judicial 21021
proceeding, the information may be admitted into evidence only in 21022
accordance with the Rules of Evidence, but the court shall require 21023
that appropriate measures are taken to ensure that confidentiality 21024
is maintained with respect to any part of the information that 21025
contains names or other identifying information about patients or 21026
complainants whose confidentiality was protected by the state 21027
medical board when the information was in the board's possession. 21028
Measures to ensure confidentiality that may be taken by the court 21029
include sealing its records or deleting specific information from 21030

its records. 21031

(6) On a quarterly basis, the board shall prepare a report 21032
that documents the disposition of all cases during the preceding 21033
three months. The report shall contain the following information 21034
for each case with which the board has completed its activities: 21035

(a) The case number assigned to the complaint or alleged 21036
violation; 21037

(b) The type of certificate to practice, if any, held by the 21038
individual against whom the complaint is directed; 21039

(c) A description of the allegations contained in the 21040
complaint; 21041

(d) The disposition of the case. 21042

The report shall state how many cases are still pending and 21043
shall be prepared in a manner that protects the identity of each 21044
person involved in each case. The report shall be a public record 21045
under section 149.43 of the Revised Code. 21046

(G) If the secretary and supervising member determine that 21047
there is clear and convincing evidence that an individual has 21048
violated division (B) of this section and that the individual's 21049
continued practice presents a danger of immediate and serious harm 21050
to the public, they may recommend that the board suspend the 21051
individual's certificate to practice without a prior hearing. 21052
Written allegations shall be prepared for consideration by the 21053
board. 21054

The board, upon review of those allegations and by an 21055
affirmative vote of not fewer than six of its members, excluding 21056
the secretary and supervising member, may suspend a certificate 21057
without a prior hearing. A telephone conference call may be 21058
utilized for reviewing the allegations and taking the vote on the 21059
summary suspension. 21060

The board shall issue a written order of suspension by 21061
certified mail or in person in accordance with section 119.07 of 21062
the Revised Code. The order shall not be subject to suspension by 21063
the court during pendency of any appeal filed under section 119.12 21064
of the Revised Code. If the individual subject to the summary 21065
suspension requests an adjudicatory hearing by the board, the date 21066
set for the hearing shall be within fifteen days, but not earlier 21067
than seven days, after the individual requests the hearing, unless 21068
otherwise agreed to by both the board and the individual. 21069

Any summary suspension imposed under this division shall 21070
remain in effect, unless reversed on appeal, until a final 21071
adjudicative order issued by the board pursuant to this section 21072
and Chapter 119. of the Revised Code becomes effective. The board 21073
shall issue its final adjudicative order within sixty days after 21074
completion of its hearing. A failure to issue the order within 21075
sixty days shall result in dissolution of the summary suspension 21076
order but shall not invalidate any subsequent, final adjudicative 21077
order. 21078

(H) If the board takes action under division (B)(9), (11), or 21079
(13) of this section and the judicial finding of guilt, guilty 21080
plea, or judicial finding of eligibility for intervention in lieu 21081
of conviction is overturned on appeal, upon exhaustion of the 21082
criminal appeal, a petition for reconsideration of the order may 21083
be filed with the board along with appropriate court documents. 21084
Upon receipt of a petition of that nature and supporting court 21085
documents, the board shall reinstate the individual's certificate 21086
to practice. The board may then hold an adjudication under Chapter 21087
119. of the Revised Code to determine whether the individual 21088
committed the act in question. Notice of an opportunity for a 21089
hearing shall be given in accordance with Chapter 119. of the 21090
Revised Code. If the board finds, pursuant to an adjudication held 21091
under this division, that the individual committed the act or if 21092

no hearing is requested, the board may order any of the sanctions 21093
identified under division (B) of this section. 21094

(I) The certificate to practice issued to an individual under 21095
this chapter and the individual's practice in this state are 21096
automatically suspended as of the date of the individual's second 21097
or subsequent plea of guilty to, or judicial finding of guilt of, 21098
a violation of section 2919.123 of the Revised Code, or the date 21099
the individual pleads guilty to, is found by a judge or jury to be 21100
guilty of, or is subject to a judicial finding of eligibility for 21101
intervention in lieu of conviction in this state or treatment or 21102
intervention in lieu of conviction in another jurisdiction for any 21103
of the following criminal offenses in this state or a 21104
substantially equivalent criminal offense in another jurisdiction: 21105
aggravated murder, murder, voluntary manslaughter, felonious 21106
assault, kidnapping, rape, sexual battery, gross sexual 21107
imposition, aggravated arson, aggravated robbery, or aggravated 21108
burglary. Continued practice after suspension shall be considered 21109
practicing without a certificate. 21110

The board shall notify the individual subject to the 21111
suspension by certified mail or in person in accordance with 21112
section 119.07 of the Revised Code. If an individual whose 21113
certificate is automatically suspended under this division fails 21114
to make a timely request for an adjudication under Chapter 119. of 21115
the Revised Code, the board shall do whichever of the following is 21116
applicable: 21117

(1) If the automatic suspension under this division is for a 21118
second or subsequent plea of guilty to, or judicial finding of 21119
guilt of, a violation of section 2919.123 of the Revised Code, the 21120
board shall enter an order suspending the individual's certificate 21121
to practice for a period of at least one year or, if determined 21122
appropriate by the board, imposing a more serious sanction 21123
involving the individual's certificate to practice. 21124

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board. 21156
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(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board. 21160
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(3) Failure by an individual to renew a certificate of registration in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 21163
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(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows: 21167
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 21170
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(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board. 21175
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(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following: 21178
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(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;	21187 21188 21189
(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;	21190 21191
(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.	21192 21193 21194 21195 21196
(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;	21197 21198 21199 21200
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	21201 21202 21203
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	21204 21205 21206
Sec. 4731.281. (A) On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall certify to the state medical board that in the preceding two years the person has completed one hundred hours of continuing medical education. The certification shall be made upon the application for biennial registration submitted pursuant to division (B) of this section. The board shall adopt rules providing for pro rata	21207 21208 21209 21210 21211 21212 21213 21214 21215 21216

reductions by month of the number of hours of continuing education 21217
required for persons who are in their first registration period, 21218
who have a registration period of less than two years due to 21219
initial implementation of the staggered renewal schedule 21220
established under division (B) of this section, who have been 21221
disabled due to illness or accident, or who have been absent from 21222
the country. 21223

In determining whether a course, program, or activity 21224
qualifies for credit as continuing medical education, the board 21225
shall approve all continuing medical education taken by persons 21226
holding a certificate to practice medicine and surgery that is 21227
certified by the Ohio state medical association, all continuing 21228
medical education taken by persons holding a certificate to 21229
practice osteopathic medicine and surgery that is certified by the 21230
Ohio osteopathic association, and all continuing medical education 21231
taken by persons holding a certificate to practice podiatry that 21232
is certified by the Ohio podiatric medical association. Each 21233
person holding a certificate to practice under this chapter shall 21234
be given sufficient choice of continuing education programs to 21235
ensure that the person has had a reasonable opportunity to 21236
participate in continuing education programs that are relevant to 21237
the person's medical practice in terms of subject matter and 21238
level. 21239

The board may require a random sample of persons holding a 21240
certificate to practice under this chapter to submit materials 21241
documenting completion of the continuing medical education 21242
requirement during the preceding registration period, but this 21243
provision shall not limit the board's authority to investigate 21244
pursuant to section 4731.22 of the Revised Code. 21245

(B)(1) Every person holding a certificate under this chapter 21246
to practice medicine and surgery, osteopathic medicine and 21247
surgery, or podiatric medicine and surgery wishing to renew that 21248

certificate shall apply to the board for a certificate of 21249
registration upon an application furnished by the board, and pay 21250
to the board at the time of application a fee of three hundred 21251
five dollars, according to the following schedule: 21252

(a) Persons whose last name begins with the letters "A" 21253
through "B," on or before April 1, 2001, and the first day of 21254
April of every odd-numbered year thereafter; 21255

(b) Persons whose last name begins with the letters "C" 21256
through "D," on or before January 1, 2001, and the first day of 21257
January of every odd-numbered year thereafter; 21258

(c) Persons whose last name begins with the letters "E" 21259
through "G," on or before October 1, 2000, and the first day of 21260
October of every even-numbered year thereafter; 21261

(d) Persons whose last name begins with the letters "H" 21262
through "K," on or before July 1, 2000, and the first day of July 21263
of every even-numbered year thereafter; 21264

(e) Persons whose last name begins with the letters "L" 21265
through "M," on or before April 1, 2000, and the first day of 21266
April of every even-numbered year thereafter; 21267

(f) Persons whose last name begins with the letters "N" 21268
through "R," on or before January 1, 2000, and the first day of 21269
January of every even-numbered year thereafter; 21270

(g) Persons whose last name begins with the letters "S," on 21271
or before October 1, 1999, and the first day of October of every 21272
odd-numbered year thereafter; 21273

(h) Persons whose last name begins with the letters "T" 21274
through "Z," on or before July 1, 1999, and the first day of July 21275
of every odd-numbered year thereafter. 21276

The board shall deposit the fee in accordance with section 21277
4731.24 of the Revised Code, except that the board shall deposit 21278

twenty dollars of the fee into the state treasury to the credit of
the physician loan repayment fund created by section 3702.78 of
the Revised Code. 21279
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(2) The board shall mail or cause to be mailed to every
person registered to practice medicine and surgery, osteopathic
medicine and surgery, or podiatric medicine and surgery, an
application for registration addressed to the person's last known
post-office address or may cause the application to be sent to the
person through the secretary of any recognized medical,
osteopathic, or podiatric society, according to the following
schedule: 21282
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(a) To persons whose last name begins with the letters "A"
through "B," on or before January 1, 2001, and the first day of
January of every odd-numbered year thereafter; 21290
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(b) To persons whose last name begins with the letters "C"
through "D," on or before October 1, 2000, and the first day of
October of every even-numbered year thereafter; 21293
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(c) To persons whose last name begins with the letters "E"
through "G," on or before July 1, 2000, and the first day of July
of every even-numbered year thereafter; 21296
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(d) To persons whose last name begins with the letters "H"
through "K," on or before April 1, 2000, and the first day of
April of every even-numbered year thereafter; 21299
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(e) To persons whose last name begins with the letters "L"
through "M," on or before January 1, 2000, and the first day of
January of every even-numbered year thereafter; 21302
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(f) To persons whose last name begins with the letters "N"
through "R," on or before October 1, 1999, and the first day of
October of every odd-numbered year thereafter; 21305
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(g) To persons whose last name begins with the letters "S," 21308

on or before July 1, 1999, and the first day of July of every 21309
odd-numbered year thereafter; 21310

(h) To persons whose last name begins with the letters "T" 21311
through "Z," on or before April 1, 1999, and the first day of 21312
April of every odd-numbered year thereafter; 21313

Failure of any person to receive an application from the 21314
board shall not excuse the person from the requirements contained 21315
in this section. The application shall contain proper spaces for 21316
the applicant's signature and the insertion of the required 21317
information, including a statement that the person has fulfilled 21318
the continuing education requirements imposed by this section. 21319

The applicant shall write or cause to be written upon the 21320
application so furnished the applicant's full name, principal 21321
practice address and residence address, the number of the 21322
applicant's certificate to practice, and any other facts for the 21323
identification of the applicant as a person holding a certificate 21324
to practice under this chapter as the board considers necessary. 21325
The applicant shall include with the application a list of the 21326
names and addresses of any clinical nurse specialists, certified 21327
nurse-midwives, or certified nurse practitioners with whom the 21328
applicant is currently collaborating, as defined in section 21329
4723.01 of the Revised Code. The applicant shall execute and 21330
deliver the application to the board by mail or in person. Every 21331
person registered under this section shall give written notice to 21332
the board of any change of principal practice address or residence 21333
address or in the list within thirty days of the change. 21334

The applicant shall report any criminal offense that 21335
constitutes grounds for refusal of registration under section 21336
4731.22 of the Revised Code to which the applicant has pleaded 21337
guilty, of which the applicant has been found guilty, or for which 21338
the applicant has been found eligible for intervention in lieu of 21339

conviction, since last signing an application for a certificate of registration. 21340
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(C) The board shall issue to any person holding a certificate 21342
under this chapter to practice medicine and surgery, osteopathic 21343
medicine and surgery, or podiatric medicine and surgery, upon 21344
application and qualification therefor in accordance with this 21345
section, a certificate of registration under the seal of the 21346
board. A certificate of registration shall be valid for a two-year 21347
period, commencing on the first day of the third month after the 21348
registration fee is due and expiring on the last day of the month 21349
two years thereafter. 21350

The board shall publish and cause to be mailed to each person 21351
registered under this section, upon request, a printed list of the 21352
persons so registered. 21353

(D) Failure of any certificate holder to register and comply 21354
with this section shall operate automatically to suspend the 21355
holder's certificate to practice. Continued practice after the 21356
suspension of the certificate to practice shall be considered as 21357
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 21358
the Revised Code. If the certificate has been suspended pursuant 21359
to this division for two years or less, it may be reinstated. The 21360
board shall reinstate a certificate to practice for failure to 21361
register upon an applicant's submission of the biennial 21362
registration fee, the applicable monetary penalty, and 21363
certification by signature of the applicant that the applicant has 21364
completed the requisite continuing medical education. The penalty 21365
for reinstatement shall be fifty dollars. If the certificate has 21366
been suspended pursuant to this division for more than two years, 21367
it may be restored. In accordance with section 4731.222 of the 21368
Revised Code, the board may restore a certificate to practice for 21369
failure to register upon an applicant's submission of a 21370
restoration application, the biennial registration fee, and the 21371

applicable monetary penalty. The penalty for restoration shall be 21372
one hundred dollars. The board shall deposit the penalties in 21373
accordance with section 4731.24 of the Revised Code. 21374

(E) If an individual certifies completion of the number of 21375
hours and type of continuing medical education required to receive 21376
a certificate of registration or reinstatement of a certificate to 21377
practice, and the board finds through the random samples it 21378
conducts under this section or through any other means that the 21379
individual did not complete the requisite continuing medical 21380
education, the board may impose a civil penalty of not more than 21381
five thousand dollars. The board's finding shall be made pursuant 21382
to an adjudication under Chapter 119. of the Revised Code and by 21383
an affirmative vote of not fewer than six members. 21384

A civil penalty imposed under this division may be in 21385
addition to or in lieu of any other action the board may take 21386
under section 4731.22 of the Revised Code. The board shall deposit 21387
civil penalties in accordance with section 4731.24 of the Revised 21388
Code. 21389

(F) The state medical board may obtain information not 21390
protected by statutory or common law privilege from courts and 21391
other sources concerning malpractice claims against any person 21392
holding a certificate to practice under this chapter or practicing 21393
as provided in section 4731.36 of the Revised Code. 21394

(G) Each mailing sent by the board under division (B)(2) of 21395
this section to a person registered to practice medicine and 21396
surgery or osteopathic medicine and surgery shall inform the 21397
applicant of the reporting requirement established by division (H) 21398
of section 3701.79 of the Revised Code. At the discretion of the 21399
board, the information may be included on the application or on an 21400
accompanying page. 21401

Sec. 4781.04. (A) The manufactured homes commission shall 21402
adopt rules pursuant to Chapter 119. of the Revised Code to do all 21403
of the following: 21404

(1) Establish uniform standards that govern the installation 21405
of manufactured housing. ~~The standards shall~~ Not later than one 21406
hundred eighty days after the secretary of the United States 21407
department of housing and urban development adopts model standards 21408
for the installation of manufactured housing or amends those 21409
standards, the commission shall amend its standards as necessary 21410
to be consistent with, and not less stringent than, the model 21411
standards for the design and installation of manufactured housing 21412
~~adopted by the secretary of the United States department of~~ 21413
~~housing and urban development~~ adopts or any manufacturers' 21414
standards that the secretary determines are equal to or not less 21415
stringent than the model standards. 21416

(2) Govern the inspection of the installation of manufactured 21417
housing. The rules shall specify that the department of health or 21418
a licenser, as determined by the director of health, shall conduct 21419
all inspections of the installation of manufactured housing 21420
located in manufactured home parks to determine compliance with 21421
the uniform installation standards the commission establishes 21422
pursuant to this section. The rules shall specify that all 21423
installation inspections in a manufactured home park the 21424
department of health or the licenser conducts shall be conducted 21425
by a person who has completed an installation training course 21426
approved by the commission pursuant to division (B) of section 21427
4781.04 of the Revised Code. 21428

As used in division (A)(2) of this section, "licenser" has 21429
the same meaning as in section 3733.01 of the Revised Code. 21430

(3) Govern the design, construction, installation, approval, 21431
and inspection of foundations and the base support systems for 21432

manufactured housing. The rules shall specify that the department
of health or the licenser, as determined by the director of
health, shall conduct all inspections of the installation,
foundations, and base support systems of manufactured housing
located in manufactured home parks to determine compliance with
the uniform installation standards and foundation and base support
system design the commission establishes pursuant to this section.
The rules shall specify that all foundation and base support
system inspections in a manufactured home park the department of
health or the licenser conducts shall be conducted by a person who
has completed an installation training course approved by the
commission pursuant to division (B) of section 4781.04 of the
Revised Code.

As used in division (A)(3) of this section, "licenser" has
the same meaning as in section 3733.01 of the Revised Code.

(4) Govern the training, experience, and education
requirements for manufactured housing installers;

(5) Establish a code of ethics for manufactured housing
installers;

(6) Govern the issuance, revocation, and suspension of
licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses,
for conducting inspections to determine an applicant's compliance
with this chapter and the rules adopted pursuant to it, and for
the commission's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter
into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any
violation of this chapter or the rules adopted pursuant to it or
complaints involving the conduct of any licensed manufactured

housing installer or person installing manufactured housing	21463
without a license;	21464
(10) Establish a dispute resolution program for the timely	21465
resolution of warranty issues involving new manufactured homes,	21466
disputes regarding responsibility for the correction or repair of	21467
defects in manufactured housing, and the installation of	21468
manufactured housing. The rules shall provide for the timely	21469
resolution of disputes between manufacturers, retailers, and	21470
installers regarding the correction or repair of defects in	21471
manufactured housing that are reported by the purchaser of the	21472
home during the one-year period beginning on the date of	21473
installation of the home. The rules also shall provide that	21474
decisions made regarding the dispute under the program are not	21475
binding upon the purchaser of the home or the other parties	21476
involved in the dispute unless the purchaser so agrees in a	21477
written acknowledgement that the purchaser signs and delivers to	21478
the program within ten business days after the decision is issued.	21479
(11) Establish the requirements and procedures for the	21480
certification of building departments and building department	21481
personnel pursuant to section 4781.07 of the Revised Code;	21482
(12) Establish fees to be charged to building departments and	21483
building department personnel applying for certification and	21484
renewal of certification pursuant to section 4781.07 of the	21485
Revised Code;	21486
(13) Carry out any other provision of this chapter.	21487
(B) The manufactured homes commission shall do all of the	21488
following:	21489
(1) Prepare and administer a licensure examination to	21490
determine an applicant's knowledge of manufactured housing	21491
installation and other aspects of installation the commission	21492
determines appropriate;	21493

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	21494 21495 21496
(3) Prepare and distribute any application form this chapter requires;	21497 21498
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	21499 21500
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	21501 21502
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	21503 21504 21505
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	21506 21507
(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;	21508 21509 21510 21511 21512
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;	21513 21514 21515
(10) Determine appropriate disciplinary actions for violations of this chapter;	21516 21517
(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer during normal business hours.	21518 21519 21520 21521 21522
(12) Approve an installation training course, which may be	21523

offered by the Ohio manufactured homes association or other 21524
entity; 21525

(13) Perform any function or duty necessary to administer 21526
this chapter and the rules adopted pursuant to it. 21527

Sec. 4905.79. Any telephone company, as defined in section 21528
5727.01 of the Revised Code, or, as authorized by the public 21529
utilities commission, any affiliate of such a company, that ~~is~~ 21530
~~required to provide~~ provides any telephone service program 21531
implemented after March 27, 1991, to aid the communicatively 21532
impaired in accessing the telephone network shall be allowed a tax 21533
credit for the costs of any such program under section 5733.56 of 21534
the Revised Code. Relative to any such program, the ~~public~~ 21535
~~utilities~~ commission, in accordance with its rules, shall allow 21536
interested parties to intervene and participate in any proceeding 21537
or part of a proceeding brought before the commission pursuant to 21538
this section. The commission shall adopt rules it considers 21539
necessary to carry out this section. 21540

Sec. 5111.061. (A) The department of job and family services 21541
may recover a medicaid payment or portion of a payment made to a 21542
provider to which the provider is not entitled. ~~The recovery may~~ 21543
~~occur at any time~~ if the department notifies the provider of the 21544
overpayment during the five-year period immediately following the 21545
end of the state fiscal year in which the overpayment was made. 21546

(B) Among the overpayments that may be recovered under this 21547
section are the following: 21548

(1) Payment for a service, or a day of service, not rendered; 21549

(2) Payment for a day of service at a full per diem rate that 21550
should have been paid at a percentage of the full per diem rate; 21551

(3) Payment for a service, or day of service, that was paid 21552

by, or partially paid by, a third-party, as defined in section 21553
5101.571 of the Revised Code, and the third-party's payment or 21554
partial payment was not offset against the amount paid by the 21555
medicaid program to reduce or eliminate the amount that was paid 21556
by the medicaid program; 21557

(4) Payment when a medicaid recipient's responsibility for 21558
payment was understated and resulted in an overpayment to the 21559
provider. 21560

(C) ~~During the period specified in division (A) of this~~ 21561
~~section, the~~ The department may recover an overpayment under this 21562
section prior to or after any of the following: 21563

(1) Adjudication of a final fiscal audit that section 5111.06 21564
of the Revised Code requires to be conducted in accordance with 21565
Chapter 119. of the Revised Code; 21566

(2) Adjudication of a finding under any other provision of 21567
this chapter or the rules adopted under it; 21568

(3) Expiration of the time to issue a final fiscal audit that 21569
section 5111.06 of the Revised Code requires to be conducted in 21570
accordance with Chapter 119. of the Revised Code; 21571

(4) Expiration of the time to issue a finding under any other 21572
provision of this chapter or the rules adopted under it. 21573

(D)(1) Subject to division (D)(2) of this section, the 21574
recovery of an overpayment under this section does not preclude 21575
the department from subsequently doing the following: 21576

(a) Issuing a final fiscal audit in accordance with Chapter 21577
119. of the Revised Code, as required under section 5111.06 of the 21578
Revised Code; 21579

(b) Issuing a finding under any other provision of this 21580
chapter or the rules adopted under it. 21581

(2) A final fiscal audit or finding issued subsequent to the 21582

recovery of an overpayment under this section shall be reduced by 21583
the amount of the prior recovery, as appropriate. 21584

(E) Nothing in this section limits the department's authority 21585
to recover overpayments pursuant to any other provision of the 21586
Revised Code. 21587

Sec. ~~5111.082~~ 5111.081. The director of job and family 21588
services, in rules adopted under section 5111.02 of the Revised 21589
Code, may establish and implement a supplemental drug rebate 21590
program under which drug manufacturers may be required to provide 21591
the department of job and family services a supplemental rebate as 21592
a condition of having the drug manufacturers' drug products 21593
covered by the medicaid program without prior approval. The 21594
department may receive a supplemental rebate negotiated under the 21595
program for a drug dispensed to a medicaid recipient pursuant to a 21596
prescription or a drug purchased by a medicaid provider for 21597
administration to a medicaid recipient in the provider's primary 21598
place of business. If necessary, the director may apply to the 21599
United States secretary of health and human services for a waiver 21600
of federal statutes and regulations to establish the supplemental 21601
drug rebate program. 21602

If the director establishes a supplemental drug rebate 21603
program, the director shall consult with drug manufacturers 21604
regarding the establishment and implementation of the program. 21605

Sec. ~~5111.083~~ 5111.082. (A) As used in this section: 21606

(1) "State maximum allowable cost" means the per unit amount 21607
the department of job and family services reimburses a terminal 21608
distributor of dangerous drugs for a prescription drug included in 21609
the state maximum allowable cost program established under 21610
division (B) of this section. "State maximum allowable cost" 21611
excludes dispensing fees and copayments, coinsurance, or other 21612

cost-sharing charges, if any. 21613

(2) "Terminal distributor of dangerous drugs" has the same 21614
meaning as in section 4729.01 of the Revised Code. 21615

(B) The director of job and family services shall establish a 21616
state maximum allowable cost program for purposes of managing 21617
reimbursement to terminal distributors of dangerous drugs for 21618
prescription drugs identified by the director pursuant to this 21619
division. The director shall do all of the following with respect 21620
to the program: 21621

(1) Identify and create a list of prescription drugs to be 21622
included in the program. 21623

(2) Update the list of prescription drugs described in 21624
division (B)(1) of this section on a weekly basis. 21625

(3) Review the state maximum allowable cost for each drug 21626
included on the list described in division (B)(1) of this section 21627
on a weekly basis. 21628

(C) The director may adopt rules in accordance with Chapter 21629
119. of the Revised Code to implement this section. 21630

Sec. ~~5111.084~~ 5111.083. (A) As used in this section, 21631
"licensed health professional authorized to prescribe drugs" has 21632
the same meaning as in section 4729.01 of the Revised Code. 21633

(B) The director of job and family services may establish an 21634
e-prescribing system for the medicaid program under which a 21635
medicaid provider who is a licensed health professional authorized 21636
to prescribe drugs shall use an electronic system to prescribe a 21637
drug for a medicaid recipient when required to do so by division 21638
(C) of this section. The e-prescribing system shall eliminate the 21639
need for such medicaid providers to make prescriptions for 21640
medicaid recipients by handwriting or telephone. The e-prescribing 21641
system also shall provide such medicaid providers with an 21642

up-to-date, clinically relevant drug information database and a 21643
system of electronically monitoring medicaid recipients' medical 21644
history, drug regimen compliance, and fraud and abuse. 21645

(C) If the director establishes an e-prescribing system under 21646
division (B) of this section, the director shall do all of the 21647
following: 21648

(1) Require that a medicaid provider who is a licensed health 21649
professional authorized to prescribe drugs use the e-prescribing 21650
system during a fiscal year if the medicaid provider was one of 21651
the ten medicaid providers who, during the calendar year that 21652
precedes that fiscal year, issued the most prescriptions for 21653
medicaid recipients receiving hospital services; 21654

(2) Before the beginning of each fiscal year, determine the 21655
ten medicaid providers that issued the most prescriptions for 21656
medicaid recipients receiving hospital services during the 21657
calendar year that precedes the upcoming fiscal year and notify 21658
those medicaid providers that they must use the e-prescribing 21659
system for the upcoming fiscal year; 21660

(3) Seek the most federal financial participation available 21661
for the development and implementation of the e-prescribing 21662
system. 21663

Sec. ~~5111.085~~ 5111.084. There is hereby established the 21664
pharmacy and therapeutics committee of the department of job and 21665
family services. The committee shall consist of nine members and 21666
shall be appointed by the director of job and family services. The 21667
membership of the committee shall include: three pharmacists 21668
licensed under Chapter 4729. of the Revised Code; two doctors of 21669
medicine and two doctors of osteopathy licensed under Chapter 21670
4731. of the Revised Code; a registered nurse licensed under 21671
Chapter 4723. of the Revised Code; and a pharmacologist who has a 21672

doctoral degree. The committee shall elect one of its members as 21673
chairperson. 21674

Sec. 5111.11. (A) As used in this section and section 21675
5111.111 of the Revised Code: 21676

(1) "Estate" includes both of the following: 21677

(a) All real and personal property and other assets to be 21678
administered under Title XXI of the Revised Code and property that 21679
would be administered under that title if not for section 2113.03 21680
or 2113.031 of the Revised Code; 21681

(b) Any other real and personal property and other assets in 21682
which an individual had any legal title or interest at the time of 21683
death (to the extent of the interest), including assets conveyed 21684
to a survivor, heir, or assign of the individual through joint 21685
tenancy, tenancy in common, survivorship, life estate, living 21686
trust, or other arrangement. 21687

(2) "Institution" means a nursing facility, intermediate care 21688
facility for the mentally retarded, or a medical institution. 21689

(3) "Intermediate care facility for the mentally retarded" 21690
and "nursing facility" have the same meanings as in section 21691
5111.20 of the Revised Code. 21692

(4) "Permanently institutionalized individual" means an 21693
individual to whom all of the following apply: 21694

(a) Is an inpatient in an institution; 21695

(b) Is required, as a condition of the medicaid program 21696
paying for the individual's services in the institution, to spend 21697
for costs of medical or nursing care all of the individual's 21698
income except for an amount for personal needs specified by the 21699
department of job and family services; 21700

(c) Cannot reasonably be expected to be discharged from the 21701

institution and return home as determined by the department of job and family services. 21702
21703

(5) "Qualified state long-term care insurance partnership program" means the program established under section 5111.18 of the Revised Code. 21704
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(6) "Time of death" shall not be construed to mean a time after which a legal title or interest in real or personal property or other asset may pass by survivorship or other operation of law due to the death of the decedent or terminate by reason of the decedent's death. 21707
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(B) To the extent permitted by federal law, the department of job and family services shall institute an estate recovery program under which the department shall, except as provided in divisions (C) ~~and~~, (D), and (E) of this section, do both of the following: 21712
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(1) For the costs of medicaid services the medicaid program correctly paid or will pay on behalf of a permanently institutionalized individual of any age, seek adjustment or recovery from the individual's estate or on the sale of property of the individual or spouse that is subject to a lien imposed under section 5111.111 of the Revised Code; 21716
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(2) For the costs of medicaid services the medicaid program correctly paid or will pay on behalf of an individual fifty-five years of age or older who is not a permanently institutionalized individual, seek adjustment or recovery from the individual's estate. 21722
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(C)(1) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's estate or on the sale of property of a permanently institutionalized individual that is subject to a lien imposed under section 5111.111 of the Revised Code or under division (B)(2) of this section from an individual's estate while either of 21727
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the following are alive: 21733

(a) The spouse of the permanently institutionalized 21734
individual or individual; 21735

(b) The son or daughter of a permanently institutionalized 21736
individual or individual if the son or daughter is under age 21737
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 21738
disabled. 21739

(2) No adjustment or recovery may be made under division 21740
(B)(1) of this section from a permanently institutionalized 21741
individual's home that is subject to a lien imposed under section 21742
5111.111 of the Revised Code while either of the following 21743
lawfully reside in the home: 21744

(a) The permanently institutionalized individual's sibling 21745
who resided in the home for at least one year immediately before 21746
the date of the permanently institutionalized individual's 21747
admission to the institution and on a continuous basis since that 21748
time; 21749

(b) The permanently institutionalized individual's son or 21750
daughter who provided care to the permanently institutionalized 21751
individual that delayed the permanently institutionalized 21752
individual's institutionalization and resided in the home for at 21753
least two years immediately before the date of the permanently 21754
institutionalized individual's admission to the institution and on 21755
a continuous basis since that time. 21756

(D) In the case of a participant of the qualified state 21757
long-term care insurance partnership program, adjustment or 21758
recovery required by this section may be reduced in accordance 21759
with rules adopted under division (G) of this section. 21760

(E) The department shall, in accordance with procedures and 21761
criteria established in rules adopted under division (G) of this 21762

section, waive seeking an adjustment or recovery otherwise 21763
required by this section if the director of job and family 21764
services determines that adjustment or recovery would work an 21765
undue hardship. The department may limit the duration of the 21766
waiver to the period during which the undue hardship exists. 21767

~~The director, in accordance with Chapter 119. of the Revised 21768
Code, shall adopt rules regarding the estate recovery program, 21769
including rules that establish procedures and criteria for waiver 21770
of adjustment or recovery due to an undue hardship. These rules 21771
shall meet the standards specified by the United States secretary 21772
of health and human services under 42 U.S.C. 1396p(b)(3), as 21773
amended. 21774~~

~~(E)~~(F) For the purpose of determining whether an individual 21775
meets the definition of "permanently institutionalized individual" 21776
established for this section, a rebuttable presumption exists that 21777
the individual cannot reasonably be expected to be discharged from 21778
an institution and return home if either of the following is the 21779
case: 21780

(1) The individual declares that he or she does not intend to 21781
return home. 21782

(2) The individual has been an inpatient in an institution 21783
for at least six months. 21784

(G) The director of job and family services shall adopt rules 21785
in accordance with Chapter 119. of the Revised Code regarding the 21786
estate recovery program, including rules that do both of the 21787
following: 21788

(1) For the purpose of division (D) of this section and 21789
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 21790
adjustment or recovery in the case of a participant of the 21791
qualified state long-term care insurance partnership program; 21792

(2) For the purpose of division (E) of this section and 21793

consistent with the standards specified by the United States 21794
secretary of health and human services under 42 U.S.C. 21795
1396p(b)(3), establish procedures and criteria for waiving 21796
adjustment or recovery due to an undue hardship. 21797

Sec. 5111.18. Not later than September 1, 2007, the director 21798
of job and family services shall establish a qualified state 21799
long-term care insurance partnership program consistent with the 21800
definition of that term in 42 U.S.C. 1396p(b)(1)(C)(iii). An 21801
individual participating in the program who is subject to the 21802
medicaid estate recovery program instituted under section 5111.11 21803
of the Revised Code shall be eligible for the reduced adjustment 21804
or recovery under division (D) of that section. 21805

The director of job and family services may adopt rules in 21806
accordance with Chapter 119. of the Revised Code as necessary to 21807
implement this section. 21808

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the 21809
Revised Code: 21810

(A) "Allowable costs" are those costs determined by the 21811
department of job and family services to be reasonable and do not 21812
include fines paid under sections 5111.35 to 5111.61 and section 21813
5111.99 of the Revised Code. 21814

(B) "Ancillary and support costs" means all reasonable costs 21815
incurred by a nursing facility other than direct care costs or 21816
capital costs. "Ancillary and support costs" includes, but is not 21817
limited to, costs of activities, social services, pharmacy 21818
consultants, habilitation supervisors, qualified mental 21819
retardation professionals, program directors, medical and 21820
habilitation records, program supplies, incontinence supplies, 21821
food, enterals, dietary supplies and personnel, laundry, 21822
housekeeping, security, administration, medical equipment, 21823

utilities, liability insurance, bookkeeping, purchasing 21824
department, human resources, communications, travel, dues, license 21825
fees, subscriptions, home office costs not otherwise allocated, 21826
legal services, accounting services, minor equipment, maintenance 21827
and repairs, help-wanted advertising, informational advertising, 21828
start-up costs, organizational expenses, other interest, property 21829
insurance, employee training and staff development, employee 21830
benefits, payroll taxes, and workers' compensation premiums or 21831
costs for self-insurance claims and related costs as specified in 21832
rules adopted by the director of job and family services under 21833
section 5111.02 of the Revised Code, for personnel listed in this 21834
division. "Ancillary and support costs" also means the cost of 21835
equipment, including vehicles, acquired by operating lease 21836
executed before December 1, 1992, if the costs are reported as 21837
administrative and general costs on the facility's cost report for 21838
the cost reporting period ending December 31, 1992. 21839

(C) "Capital costs" means costs of ownership and, in the case 21840
of an intermediate care facility for the mentally retarded, costs 21841
of nonextensive renovation. 21842

(1) "Cost of ownership" means the actual expense incurred for 21843
all of the following: 21844

(a) Depreciation and interest on any capital assets that cost 21845
five hundred dollars or more per item, including the following: 21846

(i) Buildings; 21847

(ii) Building improvements that are not approved as 21848
nonextensive renovations under section 5111.251 of the Revised 21849
Code; 21850

(iii) Except as provided in division (B) of this section, 21851
equipment; 21852

(iv) In the case of an intermediate care facility for the 21853
mentally retarded, extensive renovations; 21854

(v) Transportation equipment.	21855
(b) Amortization and interest on land improvements and leasehold improvements;	21856 21857
(c) Amortization of financing costs;	21858
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	21859 21860
The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	21861 21862 21863
(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.	21864 21865 21866 21867
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	21868 21869
(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	21870 21871 21872 21873 21874
(F) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.	21875 21876 21877 21878 21879 21880 21881 21882 21883
(1) If nursing home beds licensed under Chapter 3721. of the	21884

Revised Code or residential facility beds licensed under section 21885
5123.19 of the Revised Code were not required by law to be 21886
licensed when they were originally used to provide nursing home or 21887
residential facility services, "date of licensure" means the date 21888
the beds first were used to provide nursing home or residential 21889
facility services, regardless of the date the present provider 21890
obtained licensure. 21891

(2) If a facility adds nursing home beds or residential 21892
facility beds or extensively renovates all or part of the facility 21893
after its original date of licensure, it will have a different 21894
date of licensure for the additional beds or extensively renovated 21895
portion of the facility, unless the beds are added in a space that 21896
was constructed at the same time as the previously licensed beds 21897
but was not licensed under Chapter 3721. or section 5123.19 of the 21898
Revised Code at that time. 21899

(G) "Desk-reviewed" means that costs as reported on a cost 21900
report submitted under section 5111.26 of the Revised Code have 21901
been subjected to a desk review under division (A) of section 21902
5111.27 of the Revised Code and preliminarily determined to be 21903
allowable costs. 21904

(H) "Direct care costs" means all of the following: 21905

(1)(a) Costs for registered nurses, licensed practical 21906
nurses, and nurse aides employed by the facility; 21907

(b) Costs for direct care staff, administrative nursing 21908
staff, medical directors, ~~habilitation staff, qualified mental~~ 21909
~~retardation professionals, program directors,~~ respiratory 21910
therapists, ~~habilitation supervisors,~~ and except as provided in 21911
division ~~(G)~~(H)(2) of this section, other persons holding degrees 21912
qualifying them to provide therapy; 21913

(c) Costs of purchased nursing services; 21914

(d) Costs of quality assurance;	21915
(e) 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 by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (H)(1)(a), (b), and (d) of this section;	21916 21917 21918 21919 21920 21921
(f) Costs of consulting and management fees related to direct care;	21922 21923
(g) Allocated direct care home office costs.	21924
(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.	21925 21926 21927 21928 21929
(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:	21930 21931 21932
(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;	21933 21934 21935 21936 21937 21938 21939
(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.	21940 21941 21942 21943 21944

(4) Costs of other direct-care resources that are specified 21945
as direct care costs in rules adopted under section 5111.02 of the 21946
Revised Code. 21947

(I) "Fiscal year" means the fiscal year of this state, as 21948
specified in section 9.34 of the Revised Code. 21949

(J) "Franchise permit fee" means the fee imposed by sections 21950
3721.50 to 3721.58 of the Revised Code. 21951

(K) "Indirect care costs" means all reasonable costs incurred 21952
by an intermediate care facility for the mentally retarded other 21953
than direct care costs, other protected costs, or capital costs. 21954
"Indirect care costs" includes but is not limited to costs of 21955
habilitation supplies, pharmacy consultants, medical and 21956
habilitation records, program supplies, incontinence supplies, 21957
food, enterals, dietary supplies and personnel, laundry, 21958
housekeeping, security, administration, liability insurance, 21959
bookkeeping, purchasing department, human resources, 21960
communications, travel, dues, license fees, subscriptions, home 21961
office costs not otherwise allocated, legal services, accounting 21962
services, minor equipment, maintenance and repairs, help-wanted 21963
advertising, informational advertising, start-up costs, 21964
organizational expenses, other interest, property insurance, 21965
employee training and staff development, employee benefits, 21966
payroll taxes, and workers' compensation premiums or costs for 21967
self-insurance claims and related costs as specified in rules 21968
adopted under section 5111.02 of the Revised Code, for personnel 21969
listed in this division. Notwithstanding division (C)(1) of this 21970
section, "indirect care costs" also means the cost of equipment, 21971
including vehicles, acquired by operating lease executed before 21972
December 1, 1992, if the costs are reported as administrative and 21973
general costs on the facility's cost report for the cost reporting 21974
period ending December 31, 1992. 21975

(L) "Inpatient days" means all days during which a resident, 21976
regardless of payment source, occupies a bed in a nursing facility 21977
or intermediate care facility for the mentally retarded that is 21978
included in the facility's certified capacity under Title XIX. 21979
Therapeutic or hospital leave days for which payment is made under 21980
section 5111.33 of the Revised Code are considered inpatient days 21981
proportionate to the percentage of the facility's per resident per 21982
day rate paid for those days. 21983

(M) "Intermediate care facility for the mentally retarded" 21984
means an intermediate care facility for the mentally retarded 21985
certified as in compliance with applicable standards for the 21986
medicaid program by the director of health in accordance with 21987
Title XIX. 21988

(N) "Maintenance and repair expenses" means, except as 21989
provided in division (BB)(2) of this section, expenditures that 21990
are necessary and proper to maintain an asset in a normally 21991
efficient working condition and that do not extend the useful life 21992
of the asset two years or more. "Maintenance and repair expenses" 21993
includes but is not limited to the cost of ordinary repairs such 21994
as painting and wallpapering. 21995

(O) "Medicaid days" means all days during which a resident 21996
who is a Medicaid recipient eligible for nursing facility services 21997
occupies a bed in a nursing facility that is included in the 21998
nursing facility's certified capacity under Title XIX. Therapeutic 21999
or hospital leave days for which payment is made under section 22000
5111.33 of the Revised Code are considered Medicaid days 22001
proportionate to the percentage of the nursing facility's per 22002
resident per day rate paid for those days. 22003

(P) "Nursing facility" means a facility, or a distinct part 22004
of a facility, that is certified as a nursing facility by the 22005
director of health in accordance with Title XIX and is not an 22006

intermediate care facility for the mentally retarded. "Nursing
facility" includes a facility, or a distinct part of a facility,
that is certified as a nursing facility by the director of health
in accordance with Title XIX and is certified as a skilled nursing
facility by the director in accordance with Title XVIII.

(Q) "Operator" means the person or government entity
responsible for the daily operating and management decisions for a
nursing facility or intermediate care facility for the mentally
retarded.

(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.

(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.

(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(V) "Provider" means an operator with a provider agreement.

(W) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded

under the medicaid program. 22068

(X) "Purchased nursing services" means services that are 22069
provided in a nursing facility by registered nurses, licensed 22070
practical nurses, or nurse aides who are not employees of the 22071
facility. 22072

(Y) "Reasonable" means that a cost is an actual cost that is 22073
appropriate and helpful to develop and maintain the operation of 22074
patient care facilities and activities, including normal standby 22075
costs, and that does not exceed what a prudent buyer pays for a 22076
given item or services. Reasonable costs may vary from provider to 22077
provider and from time to time for the same provider. 22078

(Z) "Related party" means an individual or organization that, 22079
to a significant extent, has common ownership with, is associated 22080
or affiliated with, has control of, or is controlled by, the 22081
provider. 22082

(1) An individual who is a relative of an owner is a related 22083
party. 22084

(2) Common ownership exists when an individual or individuals 22085
possess significant ownership or equity in both the provider and 22086
the other organization. Significant ownership or equity exists 22087
when an individual or individuals possess five per cent ownership 22088
or equity in both the provider and a supplier. Significant 22089
ownership or equity is presumed to exist when an individual or 22090
individuals possess ten per cent ownership or equity in both the 22091
provider and another organization from which the provider 22092
purchases or leases real property. 22093

(3) Control exists when an individual or organization has the 22094
power, directly or indirectly, to significantly influence or 22095
direct the actions or policies of an organization. 22096

(4) An individual or organization that supplies goods or 22097

services to a provider shall not be considered a related party if	22098
all of the following conditions are met:	22099
(a) The supplier is a separate bona fide organization.	22100
(b) A substantial part of the supplier's business activity of	22101
the type carried on with the provider is transacted with others	22102
than the provider and there is an open, competitive market for the	22103
types of goods or services the supplier furnishes.	22104
(c) The types of goods or services are commonly obtained by	22105
other nursing facilities or intermediate care facilities for the	22106
mentally retarded from outside organizations and are not a basic	22107
element of patient care ordinarily furnished directly to patients	22108
by the facilities.	22109
(d) The charge to the provider is in line with the charge for	22110
the goods or services in the open market and no more than the	22111
charge made under comparable circumstances to others by the	22112
supplier.	22113
(AA) "Relative of owner" means an individual who is related	22114
to an owner of a nursing facility or intermediate care facility	22115
for the mentally retarded by one of the following relationships:	22116
(1) Spouse;	22117
(2) Natural parent, child, or sibling;	22118
(3) Adopted parent, child, or sibling;	22119
(4) Stepparent, stepchild, stepbrother, or stepsister;	22120
(5) Father-in-law, mother-in-law, son-in-law,	22121
daughter-in-law, brother-in-law, or sister-in-law;	22122
(6) Grandparent or grandchild;	22123
(7) Foster caregiver, foster child, foster brother, or foster	22124
sister.	22125
(BB) "Renovation" and "extensive renovation" mean:	22126

(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	22158
statistics.	22159
The department of job and family services may treat a	22160
renovation that costs more than eighty-five per cent of the cost	22161
of constructing new beds as an extensive renovation if the	22162
department determines that the renovation is more prudent than	22163
construction of new beds.	22164
(CC) "Title XIX" means Title XIX of the "Social Security	22165
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.	22166
(DD) "Title XVIII" means Title XVIII of the "Social Security	22167
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.	22168
Sec. 5111.222. (A) Except as otherwise provided by sections	22169
5111.20 to 5111.33 of the Revised Code and by division (B) of this	22170
section, the payments that the department of job and family	22171
services shall agree to make to the provider of a nursing facility	22172
pursuant to a provider agreement shall equal the sum of all of the	22173
following:	22174
(1) The rate for direct care costs determined for the nursing	22175
facility under section 5111.231 of the Revised Code;	22176
(2) The rate for ancillary and support costs determined for	22177
the nursing facility's ancillary and support cost peer group under	22178
section 5111.24 of the Revised Code;	22179
(3) The rate for tax costs determined for the nursing	22180
facility under section 5111.242 of the Revised Code;	22181
(4) The rate for franchise permit fees determined for the	22182
nursing facility under section 5111.243 of the Revised Code;	22183
(5) The quality incentive payment paid to the nursing	22184
facility's quality tier group <u>facility</u> under section 5111.244 of	22185
the Revised Code;	22186

(6) The median rate for capital costs for the nursing facilities in the nursing facility's capital costs peer group as determined under section 5111.25 of the Revised Code.

(B) The department shall adjust the ~~payment rates~~ otherwise determined under ~~division~~ divisions (A)(1), (2), (3), and (6) of this section as directed by the general assembly through the enactment of law governing medicaid payments to providers of nursing facilities, including any law that does either of the following:

(1) Establishes factors by which the ~~payments rates~~ are to be adjusted;

(2) Establishes a methodology for phasing in the rates determined for fiscal year 2006 under uncodified law the general assembly enacts to rates determined for subsequent fiscal years under sections 5111.20 to 5111.33 of the Revised Code.

Sec. 5111.231. (A) As used in this section, "applicable calendar year" means the following:

(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;

(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.

(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. 22217

(C) For the purpose of determining nursing facilities' rate 22218
for direct care costs, the department shall establish three peer 22219
groups. 22220

Each nursing facility located in any of the following 22221
counties shall be placed in peer group one: Brown, Butler, 22222
Clermont, Clinton, Hamilton, and Warren. 22223

Each nursing facility located in any of the following 22224
counties shall be placed in peer group two: Ashtabula, Champaign, 22225
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 22226
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 22227
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 22228
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 22229
and Wood. 22230

Each nursing facility located in any of the following 22231
counties shall be placed in peer group three: Adams, Allen, 22232
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 22233
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 22234
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 22235
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 22236
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 22237
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 22238
Washington, Wayne, Williams, and Wyandot. 22239

(D)(1) At least once every ten years, the department shall 22240
determine a cost per case-mix unit for each peer group established 22241
under division (C) of this section. A cost per case-mix unit 22242
determined under this division for a peer group shall be used for 22243
subsequent years until the department redetermines it. To 22244
determine a peer group's cost per case-mix unit, the department 22245
shall do all of the following: 22246

(a) Determine the cost per case-mix unit for each nursing 22247

facility in the peer group for the applicable calendar year by 22248
dividing each facility's desk-reviewed, actual, allowable, per 22249
diem direct care costs for the applicable calendar year by the 22250
facility's annual average case-mix score determined under section 22251
5111.232 of the Revised Code for the applicable calendar year. 22252

(b) Subject to division (D)(2) of this section, identify 22253
which nursing facility in the peer group is at the twenty-fifth 22254
percentile of the cost per case-mix units determined under 22255
division (D)(1)(a) of this section. 22256

(c) Calculate the amount that is seven per cent above the 22257
cost per case-mix unit determined under division (D)(1)(a) of this 22258
section for the nursing facility identified under division 22259
(D)(1)(b) of this section. 22260

(d) Multiply the amount calculated under division (D)(1)(c) 22261
of this section by the rate of inflation for the eighteen-month 22262
period beginning on the first day of July of the applicable 22263
calendar year and ending the last day of December of the calendar 22264
year immediately following the applicable calendar year using the 22265
employment cost index for total compensation, health services 22266
component, published by the United States bureau of labor 22267
statistics. 22268

(2) In making the identification under division (D)(1)(b) of 22269
this section, the department shall exclude both of the following: 22270

(a) Nursing facilities that participated in the medicaid 22271
program under the same provider for less than twelve months in the 22272
applicable calendar year; 22273

(b) Nursing facilities whose ~~direct care costs~~ are cost per 22274
case-mix unit is more than one standard deviation from the mean 22275
~~desk reviewed, actual, allowable, per diem direct care cost~~ per 22276
case-mix unit for all nursing facilities in the nursing facility's 22277
peer group for the applicable calendar year. 22278

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

Sec. 5111.244. (A) As used in this section, "deficiency" and "standard survey" have the same meanings as in section 5111.35 of the Revised Code.

(B) Each fiscal year, the department of job and family services shall pay the provider of each nursing facility placed in the first, second, and third quality tier groups established under division (C) of this section a quality incentive payment. ~~Nursing facilities placed in the first group shall receive the highest payment. Nursing facilities placed in the second group shall receive the second highest payment. Nursing facilities placed in the third group shall receive the third highest payment. Nursing facilities placed in the fourth group shall receive no payment.~~ The amount of a quality incentive payment paid to a provider for a fiscal year shall be based on the number of points the provider's nursing facility is awarded under division (C) of this section for that fiscal year. The amount of a quality incentive payment paid to a provider of a nursing facility that is awarded no points may be zero. The mean payment for fiscal year 2007, weighted by medicaid days, shall be ~~two per cent of the average rate for all nursing facilities calculated under sections 5111.20 to 5111.33 of the Revised Code, excluding this section~~ three dollars per medicaid day. ~~Nursing facilities placed in the fourth group shall be included for the purpose of determining the mean payment. The~~

department shall adjust the mean payment for subsequent fiscal 22310
years by the same adjustment factors the department uses to 22311
adjust, pursuant to division (B) of section 5111.222 of the 22312
Revised Code, nursing facilities' rates otherwise determined under 22313
divisions (A)(1), (2), (3), and (6) of that section. 22314

~~(C) Each year, the department shall establish four quality~~ 22315
~~tier groups. Each group shall consist of one quarter of all~~ 22316
~~nursing facilities participating in the medicaid program. The~~ 22317
~~first group shall consist of the quarter of nursing facilities~~ 22318
~~individually awarded the most number of points under division (D)~~ 22319
~~of this section. The second group shall consist of the quarter of~~ 22320
~~nursing facilities individually awarded the second most number of~~ 22321
~~points under division (D) of this section. The third group shall~~ 22322
~~consist of the quarter of nursing facilities individually awarded~~ 22323
~~the third most number of points under division (D) of this~~ 22324
~~section. The fourth group shall consist of the quarter of nursing~~ 22325
~~facilities individually awarded the least number of points under~~ 22326
~~division (D) of this section.~~ 22327

~~(D) Each year~~ (1) Except as provided by division (C)(2) of 22328
this section, the department shall annually award each nursing 22329
facility participating in the medicaid program one point for each 22330
of the following accountability measures the facility meets: 22331

~~(1)(a)~~ (a) The facility had no health deficiencies on the 22332
facility's most recent standard survey. 22333

~~(2)(b)~~ (b) The facility had no health deficiencies with a scope 22334
and severity level greater than E, as determined under nursing 22335
facility certification standards established under Title XIX, on 22336
the facility's most recent standard survey. 22337

~~(3)(c)~~ (c) The facility's resident satisfaction is above the 22338
statewide average. 22339

~~(4)(d)~~ (d) The facility's family satisfaction is above the 22340

statewide average. 22341

~~(5)(e)~~ The number of hours the facility employs nurses is 22342
above the statewide average. 22343

~~(6)(f)~~ The facility's employee retention rate is above the 22344
average for the facility's peer group established in division (C) 22345
of section 5111.231 of the Revised Code. 22346

~~(7)(g)~~ The facility's occupancy rate is above the statewide 22347
average. 22348

~~(8)(h)~~ The facility's medicaid utilization rate is above the 22349
statewide average. 22350

~~(9)(i)~~ The facility's case-mix score is above the statewide 22351
average. 22352

~~(E)(2)~~ The department shall award points pursuant to division 22353
(C)(1)(c) or (d) of this section only for a fiscal year 22354
immediately following a calendar year for which a survey of 22355
resident or family satisfaction has been conducted under section 22356
173.47 of the Revised Code. 22357

(D) The director of job and family services shall adopt rules 22358
under section 5111.02 of the Revised Code as necessary to 22359
implement this section. The rules shall include rules establishing 22360
the system for awarding points under division ~~(D)~~(C) of this 22361
section. 22362

Sec. 5111.27. (A) The department of job and family services 22363
shall conduct a desk review of each cost report it receives under 22364
section 5111.26 of the Revised Code. Based on the desk review, the 22365
department shall make a preliminary determination of whether the 22366
reported costs are allowable costs. The department shall notify 22367
each provider of whether any of the reported costs are 22368
preliminarily determined not to be allowable, the rate calculation 22369
under sections 5111.20 to 5111.33 of the Revised Code that results 22370

from that determination, and the reasons for the determination and 22371
resulting rate. The department shall allow the provider to verify 22372
the calculation and submit additional information. 22373

(B) The department may conduct an audit, as defined by rule 22374
adopted under section 5111.02 of the Revised Code, of any cost 22375
report and shall notify the provider of its findings. 22376

Audits shall be conducted by auditors under contract with or 22377
employed by the department. The decision whether to conduct an 22378
audit and the scope of the audit, which may be a desk or field 22379
audit, shall be determined based on prior performance of the 22380
provider and may be based on a risk analysis or other evidence 22381
that gives the department reason to believe that the provider has 22382
reported costs improperly. A desk or field audit may be performed 22383
annually, but is required whenever a provider does not pass the 22384
risk analysis tolerance factors. The department shall issue the 22385
audit report no later than three years after the cost report is 22386
filed, or upon the completion of a desk or field audit on the 22387
report or a report for a subsequent cost reporting period, 22388
whichever is earlier. During the time within which the department 22389
may issue an audit report, the provider may amend the cost report 22390
upon discovery of a material error or material additional 22391
information. The department shall review the amended cost report 22392
for accuracy and notify the provider of its determination. 22393

The department may establish a contract for the auditing of 22394
facilities by outside firms. Each contract entered into by bidding 22395
shall be effective for one to two years. The department shall 22396
establish an audit manual and program which shall require that all 22397
field audits, conducted either pursuant to a contract or by 22398
department employees: 22399

(1) Comply with the applicable rules prescribed pursuant to 22400
Titles XVIII and XIX; 22401

- (2) Consider generally accepted auditing standards prescribed 22402
by the American institute of certified public accountants; 22403
- (3) Include a written summary as to whether the costs 22404
included in the report examined during the audit are allowable and 22405
are presented fairly in accordance with generally accepted 22406
accounting principles and department rules, and whether, in all 22407
material respects, allowable costs are documented, reasonable, and 22408
related to patient care; 22409
- (4) Are conducted by accounting firms or auditors who, during 22410
the period of the auditors' professional engagement or employment 22411
and during the period covered by the cost reports, do not have nor 22412
are committed to acquire any direct or indirect financial interest 22413
in the ownership, financing, or operation of a nursing facility or 22414
intermediate care facility for the mentally retarded in this 22415
state; 22416
- (5) Are conducted by accounting firms or auditors who, as a 22417
condition of the contract or employment, shall not audit any 22418
facility that has been a client of the firm or auditor; 22419
- (6) Are conducted by auditors who are otherwise independent 22420
as determined by the standards of independence established by the 22421
American institute of certified public accountants; 22422
- (7) Are completed within the time period specified by the 22423
department; 22424
- (8) Provide to the provider complete written interpretations 22425
that explain in detail the application of all relevant contract 22426
provisions, regulations, auditing standards, rate formulae, and 22427
departmental policies, with explanations and examples, that are 22428
sufficient to permit the provider to calculate with reasonable 22429
certainty those costs that are allowable and the rate to which the 22430
provider's facility is entitled. 22431

For the purposes of division (B)(4) of this section, 22432
employment of a member of an auditor's family by a nursing 22433
facility or intermediate care facility for the mentally retarded 22434
that the auditor does not review does not constitute a direct or 22435
indirect financial interest in the ownership, financing, or 22436
operation of the facility. 22437

(C) The department, pursuant to rules adopted under section 22438
5111.02 of the Revised Code, may conduct an exception review of 22439
assessment data submitted under section 5111.232 of the Revised 22440
Code. The department may conduct an exception review based on the 22441
findings of a certification survey conducted by the department of 22442
health, a risk analysis, or prior performance of the provider. 22443

Exception reviews shall be conducted at the facility by 22444
appropriate health professionals under contract with or employed 22445
by the department of job and family services. The professionals 22446
may review resident assessment forms and supporting documentation, 22447
conduct interviews, and observe residents to identify any patterns 22448
or trends of inaccurate assessments and resulting inaccurate 22449
case-mix scores. 22450

The rules shall establish an exception review program that 22451
requires that exception reviews do all of the following: 22452

(1) Comply with Titles XVIII and XIX; 22453

(2) Provide a written summary that states whether the 22454
resident assessment forms have been completed accurately; 22455

(3) Are conducted by health professionals who, during the 22456
period of their professional engagement or employment with the 22457
department, neither have nor are committed to acquire any direct 22458
or indirect financial interest in the ownership, financing, or 22459
operation of a nursing facility or intermediate care facility for 22460
the mentally retarded in this state; 22461

(4) Are conducted by health professionals who, as a condition 22462
of their engagement or employment with the department, shall not 22463
review any provider that has been a client of the professional. 22464

For the purposes of division (C)(3) of this section, 22465
employment of a member of a health professional's family by a 22466
nursing facility or intermediate care facility for the mentally 22467
retarded that the professional does not review does not constitute 22468
a direct or indirect financial interest in the ownership, 22469
financing, or operation of the facility. 22470

If an exception review is conducted before the effective date 22471
of the rate that is based on the case-mix data subject to the 22472
review and the review results in findings that exceed tolerance 22473
levels specified in the rules adopted under this division, the 22474
department, in accordance with those rules, may use the findings 22475
to recalculate individual resident case-mix scores, quarterly 22476
average facility case-mix scores, and annual average facility 22477
case-mix scores. The department may use the recalculated quarterly 22478
and annual facility average case-mix scores to calculate the 22479
facility's rate for direct care costs for the appropriate calendar 22480
quarter or quarters. 22481

(D) The department shall prepare a written summary of any 22482
audit disallowance or exception review finding that is made after 22483
the effective date of the rate that is based on the cost or 22484
case-mix data. Where the provider is pursuing judicial or 22485
administrative remedies in good faith regarding the disallowance 22486
or finding, the department shall not withhold from the provider's 22487
current payments any amounts the department claims to be due from 22488
the provider pursuant to section 5111.28 of the Revised Code. 22489

(E) The department shall not reduce rates calculated under 22490
sections 5111.20 to 5111.33 of the Revised Code on the basis that 22491
the provider charges a lower rate to any resident who is not 22492

eligible for the medicaid program. 22493

(F) The department shall adjust the rates calculated under 22494
sections 5111.20 to 5111.33 of the Revised Code to account for 22495
reasonable additional costs that must be incurred by ~~nursing~~ 22496
~~facilities~~ and intermediate care facilities for the mentally 22497
retarded to comply with requirements of federal or state statutes, 22498
rules, or policies enacted or amended after January 1, 1992, or 22499
with orders issued by state or local fire authorities. 22500

Sec. 5111.31. (A) Every provider agreement with the provider 22501
of a nursing facility or intermediate care facility for the 22502
mentally retarded shall: 22503

(1) Prohibit the provider from failing or refusing to retain 22504
as a patient any person because the person is, becomes, or may, as 22505
a patient in the facility, become a medicaid recipient. For the 22506
purposes of this division, a medicaid recipient who is a patient 22507
in a facility shall be considered a patient in the facility during 22508
any hospital stays totaling less than twenty-five days during any 22509
twelve-month period. Recipients who have been identified by the 22510
department of job and family services or its designee as requiring 22511
the level of care of an intermediate care facility for the 22512
mentally retarded shall not be subject to a maximum period of 22513
absences during which they are considered patients if prior 22514
authorization of the department for visits with relatives and 22515
friends and participation in therapeutic programs is obtained 22516
under rules adopted under section 5111.02 of the Revised Code. 22517

(2) Except as provided by division (B)(1) of this section, 22518
include any part of the facility that meets standards for 22519
certification of compliance with federal and state laws and rules 22520
for participation in the medicaid program. 22521

(3) Prohibit the provider from discriminating against any 22522

patient on the basis of race, color, sex, creed, or national
origin. 22523
22524

(4) Except as otherwise prohibited under section 5111.55 of 22525
the Revised Code, prohibit the provider from failing or refusing 22526
to accept a patient because the patient is, becomes, or may, as a 22527
patient in the facility, become a medicaid recipient if less than 22528
eighty per cent of the patients in the facility are medicaid 22529
recipients. 22530

(B)(1) Except as provided by division (B)(2) of this section, 22531
the following are not required to be included in a provider 22532
agreement unless otherwise required by federal law: 22533

(a) Beds added during the period beginning July 1, 1987, and 22534
ending July 1, 1993, to a nursing home licensed under Chapter 22535
3721. of the Revised Code; 22536

(b) Beds in an intermediate care facility for the mentally 22537
retarded that are designated for respite care under a medicaid 22538
waiver component operated pursuant to a waiver sought under 22539
section 5111.87 of the Revised Code; 22540

(c) Beds that are converted to providing home and 22541
community-based services under the ICF/MR conversion pilot program 22542
authorized by a waiver sought under division (B)(1) of section 22543
5111.88 of the Revised Code. 22544

(2) If a provider chooses to include a bed specified in 22545
division (B)(1)(a) of this section in a provider agreement, the 22546
bed may not be removed from the provider agreement unless the 22547
provider withdraws the facility in which the bed is located from 22548
the medicaid program. 22549

(C) Nothing in this section shall bar a provider that is a 22550
religious organization operating a religious or denominational 22551
nursing facility or intermediate care facility for the mentally 22552

retarded from giving preference to persons of the same religion or
denomination. Nothing in this section shall bar any provider from
giving preference to persons with whom the provider has contracted
to provide continuing care.

(D) Nothing in this section shall bar the provider of a
county home organized under Chapter 5155. of the Revised Code from
admitting residents exclusively from the county in which the
county home is located.

(E) No provider of a nursing facility or intermediate care
facility for the mentally retarded for which a provider agreement
is in effect shall violate the provider contract obligations
imposed under this section.

(F) Nothing in divisions (A) and (C) of this section shall
bar a provider from retaining patients who have resided in the
provider's facility for not less than one year as private pay
patients and who subsequently become medicaid recipients, but
refusing to accept as a patient any person who is or may, as a
patient in the facility, become a medicaid recipient, if all of
the following apply:

(1) The provider does not refuse to retain any patient who
has resided in the provider's facility for not less than one year
as a private pay patient because the patient becomes a medicaid
recipient, except as necessary to comply with division (F)(2) of
this section;

(2) The number of medicaid recipients retained under this
division does not at any time exceed ten per cent of all the
patients in the facility;

(3) On July 1, 1980, all the patients in the facility were
private pay patients.

Sec. 5111.88. (A) As used in sections 5111.88 to ~~5111.8812~~ 22582

5111.8817 of the Revised Code: 22583

"Administrative agency" means the department of job and 22584
family services or, if the department assigns the day-to-day 22585
administration of the ICF/MR conversion pilot program to the 22586
department of mental retardation and developmental disabilities 22587
pursuant to section 5111.887 of the Revised Code, the department 22588
of mental retardation and developmental disabilities. 22589

"ICF/MR conversion pilot program" means the medicaid waiver 22590
component authorized by a waiver sought under division (B)(1) of 22591
this section. 22592

"ICF/MR services" means intermediate care facility for the 22593
mentally retarded services covered by the medicaid program that an 22594
intermediate care facility for the mentally retarded provides to a 22595
resident of the facility who is a medicaid recipient eligible for 22596
medicaid-covered intermediate care facility for the mentally 22597
retarded services. 22598

"Intermediate care facility for the mentally retarded" has 22599
the same meaning as in section 5111.20 of the Revised Code. 22600

"Medicaid waiver component" has the same meaning as in 22601
section 5111.85 of the Revised Code. 22602

(B) By July 1, 2006, or as soon thereafter as practical, but 22603
not later than January 1, 2007, the director of job and family 22604
services shall, after consulting with and receiving input from the 22605
ICF/MR conversion advisory council, submit both of the following 22606
to the United States secretary of health and human services: 22607

(1) An application for a waiver authorizing the ICF/MR 22608
conversion pilot program under which intermediate care facilities 22609
for the mentally retarded, other than such facilities operated by 22610
the department of mental retardation and developmental 22611
disabilities, may volunteer to convert in whole or in part from 22612

providing intermediate care facility for the mentally retarded 22613
services to providing home and community-based services and 22614
individuals with mental retardation or a developmental disability 22615
who are eligible for ICF/MR services may volunteer to receive 22616
instead home and community-based services; 22617

(2) An amendment to the state medicaid plan to authorize the 22618
director, beginning on the first day that the ICF/MR conversion 22619
pilot program begins implementation under section 5111.882 of the 22620
Revised Code and except as provided by section 5111.8811 of the 22621
Revised Code, to refuse to enter into or amend a medicaid provider 22622
agreement with the operator of an intermediate care facility for 22623
the mentally retarded if the provider agreement or amendment would 22624
authorize the operator to receive medicaid payments for more 22625
intermediate care facility for the mentally retarded beds than the 22626
operator receives on the day before that day. 22627

(C) The director shall notify the governor, speaker and 22628
minority leader of the house of representatives, and president and 22629
minority leader of the senate when the director submits the 22630
application for the ICF/MR conversion pilot program under division 22631
(B)(1) of this section and the amendment to the state medicaid 22632
plan under division (B)(2) of this section. The director is not 22633
required to submit the application and the amendment at the same 22634
time. 22635

Sec. 5111.882. If the United States secretary of health and 22636
human services approves the waiver requested under division (B)(1) 22637
of section 5111.88 of the Revised Code, the administrative agency 22638
shall implement the ICF/MR conversion pilot program for not less 22639
than three years as follows: 22640

(A) Permit no more than two hundred individuals to 22641
participate in the program at one time; 22642

(B) Select, from among volunteers only, enough intermediate 22643

care facilities for the mentally retarded to convert in whole or 22644
in part from providing ICF/MR services to providing home and 22645
community-based services as necessary to accommodate each 22646
individual participating in the program ~~and ensure that the~~ 22647
~~facilities selected for conversion cease, except as provided by~~ 22648
~~section 5111.8811 of the Revised Code, to provide any ICF/MR~~ 22649
~~services once the conversion takes place;~~ 22650

(C) Subject to division (A) of this section, permit 22651
individuals who reside in an intermediate care facility for the 22652
mentally retarded that converts in whole or in part to providing 22653
home and community-based services to choose whether to participate 22654
in the program or, if the facility ceases to have enough 22655
ICF/MR-certified beds for the individual, to transfer to another 22656
intermediate care facility for the mentally retarded that ~~is not~~ 22657
~~converting~~ has an available ICF/MR-certified bed for the 22658
individual; 22659

(D) Ensure that no individual receiving ICF/MR services ~~on~~ 22660
~~the effective date of this section~~ suffers an interruption in 22661
medicaid-covered services that the individual is eligible to 22662
receive; 22663

(E) Collect information as necessary for the evaluation 22664
required by section 5111.889 of the Revised Code; 22665

(F) After consulting with the ICF/MR conversion advisory 22666
council, make adjustments to the program that the administrative 22667
agency and, if the administrative agency is not the department of 22668
job and family services, the department agree are both necessary 22669
for the program to be implemented more effectively and consistent 22670
with the terms of the waiver authorizing the program. No 22671
adjustment may be made that expands the size or scope of the 22672
program. 22673

Sec. 5111.889. (A) The administrative agency, in consultation 22674
with the ICF/MR conversion advisory council, shall conduct an 22675
evaluation of the ICF/MR conversion pilot program. All of the 22676
following shall be examined as part of the evaluation: 22677

(1) The effectiveness of the home and community-based 22678
services provided under the program in meeting the health and 22679
welfare needs of the individuals participating in the program as 22680
identified in the individuals' written individual service plans; 22681

(2) The satisfaction of the individuals participating in the 22682
program with the home and community-based services; 22683

(3) The impact that the conversion in whole or in part from 22684
providing ICF/MR services to providing home and community-based 22685
services has on the intermediate care facilities for the mentally 22686
retarded that so convert; 22687

(4) The program's cost effectiveness, including 22688
administrative cost effectiveness; 22689

(5) Feedback about the program from the individuals 22690
participating in the program, such individuals' families and 22691
guardians, county boards of mental retardation and developmental 22692
disabilities, and providers of home and community-based services 22693
under the program; 22694

(6) Other matters the administrative agency considers 22695
appropriate for evaluation. 22696

(B) The administrative agency, in consultation with the 22697
ICF/MR conversion advisory council, shall prepare two reports of 22698
the evaluation conducted under this section. The initial report 22699
shall be finished not sooner than the last day of the ICF/MR 22700
conversion pilot program's first year of operation. The final 22701
report shall be finished not sooner than the last day of the 22702
program's second year of operation. The administrative agency 22703

shall provide a copy of each report to the governor, president and 22704
minority leader of the senate, and speaker and minority leader of 22705
the house of representatives. 22706

Sec. 5111.8811. An intermediate care facility for the 22707
mentally retarded that converts in whole or in part from providing 22708
ICF/MR services to providing home and community-based services 22709
under the ICF/MR conversion pilot program may reconvert the 22710
converted beds to providing ICF/MR services after the program 22711
terminates unless ~~either~~ any of the following is the case: 22712

(A) The program, following the general assembly's enactment 22713
of law authorizing the program's statewide implementation, is 22714
implemented statewide; 22715

(B) The facility no longer meets the requirements for 22716
certification as an intermediate care facility for the mentally 22717
retarded; 22718

(C) The facility no longer meets the requirements for 22719
licensure as a residential facility under section 5123.19 of the 22720
Revised Code or, if the facility is eligible under section 22721
5123.192 of the Revised Code to be licensed as a nursing home, the 22722
requirements for licensure as a nursing home under section 3721.02 22723
or 3721.09 of the Revised Code. 22724

Sec. 5111.8812. (A) Subject to division (B) of this section 22725
and beginning not later than two and one-half years after the date 22726
the ICF/MR conversion pilot program terminates, the department of 22727
mental retardation and developmental disabilities shall be 22728
responsible for a portion of the nonfederal share of medicaid 22729
expenditures for ICF/MR services ~~provided by~~ incurred for any beds 22730
of an intermediate care facility for the mentally retarded that 22731
~~reconverts~~ are reconverted to providing ICF/MR services under 22732
section 5111.8811 of the Revised Code. The portion for which the 22733

department shall be responsible shall be the portion that the 22734
department and department of job and family services specify in an 22735
agreement. 22736

(B) The department of mental retardation and developmental 22737
disabilities shall not be responsible for any portion of the 22738
nonfederal share of medicaid expenditures for ICF/MR services 22739
incurred for any beds of an intermediate care facility for the 22740
mentally retarded that are in excess of the number of beds the 22741
facility had while participating in the ICF/MR conversion pilot 22742
program. 22743

Sec. 5111.8813. The operator of an intermediate care facility 22744
for the mentally retarded that converts only in part from 22745
providing ICF/MR services to providing home and community-based 22746
services under the ICF/MR conversion pilot program shall place the 22747
beds that convert in a distinct part of the facility that houses 22748
the intermediate care facility for the mentally retarded. 22749

Sec. 5111.8814. An intermediate care facility for the 22750
mentally retarded that converts in whole to providing home and 22751
community-based services under the ICF/MR conversion pilot program 22752
shall either be licensed as a residential facility under section 22753
5123.19 of the Revised Code or certified to provide supported 22754
living under section 5126.431 of the Revised Code. If an 22755
intermediate care facility for the mentally retarded converts in 22756
part to providing such home and community-based services, the 22757
distinct part of the facility that provides the home and 22758
community-based services shall either be licensed as a residential 22759
facility under section 5123.19 of the Revised Code or certified to 22760
provide supported living under section 5126.431 of the Revised 22761
Code. The facility or distinct part of the facility shall be 22762
licensed as a residential facility rather than certified to 22763
provide supported living if it meets the definition of 22764

"residential facility" in section 5123.19 of the Revised Code. 22765

Sec. 5111.8815. (A) Not later than thirty days after the date 22766
a resident of an intermediate care facility for the mentally 22767
retarded is enrolled in the ICF/MR conversion pilot program, the 22768
operator of the intermediate care facility for the mentally 22769
retarded shall do the following regardless of whether the resident 22770
resides in a distinct part of a facility that also houses the 22771
intermediate care facility for the mentally retarded: 22772

(1) If the intermediate care facility for the mentally 22773
retarded is licensed as a residential facility under section 22774
5123.19 of the Revised Code, notify the director of mental 22775
retardation and developmental disabilities of the resident's 22776
enrollment; 22777

(2) If the intermediate care facility for the mentally 22778
retarded is licensed as a nursing home under section 3721.02 of 22779
the Revised Code, notify the director of health of the resident's 22780
enrollment; 22781

(3) If the intermediate care facility for the mentally 22782
retarded is licensed as a nursing home by a political subdivision 22783
under section 3721.09 of the Revised Code, notify the officials of 22784
the political subdivision of the resident's enrollment. 22785

(B) The director of mental retardation and developmental 22786
disabilities, director of health, and officials of a political 22787
subdivision shall reduce the licensed capacity of a residential 22788
facility or nursing home by the number of the residential 22789
facility's or nursing home's residents who enroll in the ICF/MR 22790
conversion pilot program. The director of job and family services 22791
shall be notified of each reduction in licensed capacity made 22792
under this section. 22793

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: 22823

(1) The non-federal share of all rebates paid by drug 22824
manufacturers to the department of job and family services in 22825
accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 22826
~~shall be credited to the fund. The;~~ 22827

(2) The non-federal share of all supplemental rebates paid by 22828
drug manufacturers to the department of job and family services in 22829
accordance with the supplemental drug rebate program established 22830
under section 5111.081 of the Revised Code. 22831

(B) The department of job and family services shall use money 22832
credited to the prescription drug rebates fund to pay for medicaid 22833
services and contracts. 22834

Sec. 5111.943. (A) The health care - federal fund is hereby 22835
created in the state treasury. All of the following shall be 22836
credited to the fund: 22837

(1) Funds that division (B) of section 5112.18 of the Revised 22838
Code requires be credited to the fund; 22839

(2) The federal share of all rebates paid by drug 22840
manufacturers to the department of job and family services in 22841
accordance with a rebate agreement required by 42 U.S.C. 1396r-8; 22842

(3) The federal share of all supplemental rebates paid by 22843
drug manufacturers to the department of job and family services in 22844
accordance with the supplemental drug rebate program established 22845
under section 5111.081 of the Revised Code; 22846

(4) Except as otherwise provided by statute or as authorized 22847
by the controlling board, the federal share of all other 22848
medicaid-related revenues, collections, and recoveries. 22849

(B) All money credited to the health care - federal fund 22850
pursuant to division (B) of section 5112.18 of the Revised Code 22851

shall be used solely for distributing funds to hospitals under 22852
section 5112.08 of the Revised Code. The department of job and 22853
family services shall use all other money credited to the fund to 22854
pay for other medicaid services and contracts. 22855

Sec. 5112.08. The director of job and family services shall 22856
adopt rules under section 5112.03 of the Revised Code establishing 22857
a methodology to pay hospitals that is sufficient to expend all 22858
money in the indigent care pool. Under the rules: 22859

(A) The department of job and family services may classify 22860
similar hospitals into groups and allocate funds for distribution 22861
within each group. 22862

(B) The department shall establish a method of allocating 22863
funds to hospitals, taking into consideration the relative amount 22864
of indigent care provided by each hospital or group of hospitals. 22865
The amount to be allocated shall be based on any combination of 22866
the following indicators of indigent care that the director 22867
considers appropriate: 22868

(1) Total costs, volume, or proportion of services to 22869
recipients of the medical assistance program, including recipients 22870
enrolled in health insuring corporations; 22871

(2) Total costs, volume, or proportion of services to 22872
low-income patients in addition to recipients of the medical 22873
assistance program, which may include recipients of Title V of the 22874
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 22875
amended, and recipients of financial or medical assistance 22876
provided under Chapter 5115. of the Revised Code; 22877

(3) The amount of uncompensated care provided by the hospital 22878
or group of hospitals; 22879

(4) Other factors that the director considers to be 22880
appropriate indicators of indigent care. 22881

(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 22914
the Revised Code, all payments of assessments by hospitals under 22915
section 5112.06 of the Revised Code and all intergovernmental 22916
transfers under section 5112.07 of the Revised Code shall be 22917
deposited in the state treasury to the credit of the hospital care 22918
assurance program fund, hereby created. All investment earnings of 22919
the hospital care assurance program fund shall be credited to the 22920
fund. The department of job and family services shall maintain 22921
records that show the amount of money in the hospital care 22922
assurance program fund at any time that has been paid by each 22923
hospital and the amount of any investment earnings on that amount. 22924
All moneys credited to the hospital care assurance program fund 22925
shall be used solely to make payments to hospitals under division 22926
(D) of this section and section 5112.08 of the Revised Code. 22927

(B) All federal matching funds received as a result of the 22928
department distributing funds from the hospital care assurance 22929
program fund to hospitals under section 5112.08 of the Revised 22930
Code shall be credited to the ~~hospital care assurance match~~ health 22931
care - federal fund, ~~which is hereby created in the state treasury~~ 22932
under section 5111.943 of the Revised Code. All money credited to 22933
~~the hospital care assurance match fund shall be used solely for~~ 22934
~~distributing funds to hospitals under section 5112.08 of the~~ 22935
~~Revised Code.~~ 22936

(C) All distributions of funds to hospitals under section 22937
5112.08 of the Revised Code are conditional on: 22938

(1) Expiration of the time for appeals under section 5112.09 22939
of the Revised Code without the filing of an appeal, or on court 22940
determinations, in the event of appeals, that the hospital is 22941
entitled to the funds; 22942

(2) ~~The availability of sufficient moneys in the hospital~~ 22943
~~care assurance program fund and the hospital care assurance match~~ 22944

~~fund~~ sum of the following being sufficient to distribute the funds 22945
after the final determination of any appeals+; 22946

(a) The available money in the hospital care assurance 22947
program fund; 22948

(b) The available portion of the money in the health care - 22949
federal fund that is credited to that fund pursuant to division 22950
(B) of this section. 22951

(3) The hospital's compliance with section 5112.17 of the 22952
Revised Code. 22953

(D) If an audit conducted by the department of the amounts of 22954
payments made and funds received by hospitals under sections 22955
5112.06, 5112.07, and 5112.08 of the Revised Code identifies 22956
amounts that, due to errors by the department, a hospital should 22957
not have been required to pay but did pay, should have been 22958
required to pay but did not pay, should not have received but did 22959
receive, or should have received but did not receive, the 22960
department shall: 22961

(1) Make payments to any hospital that the audit reveals paid 22962
amounts it should not have been required to pay or did not receive 22963
amounts it should have received; 22964

(2) Take action to recover from a hospital any amounts that 22965
the audit reveals it should have been required to pay but did not 22966
pay or that it should not have received but did receive. 22967

Payments made under division (D)(1) of this section shall be 22968
made from the hospital care assurance program fund. Amounts 22969
recovered under division (D)(2) of this section shall be deposited 22970
to the credit of that fund. Any hospital may appeal the amount the 22971
hospital is to be paid under division (D)(1) or the amount that is 22972
to be recovered from the hospital under division (D)(2) of this 22973
section to the court of common pleas of Franklin county. 22974

Sec. 5112.31. The department of job and family services shall 22975
do all of the following: 22976

(A) For the purpose of providing home and community-based 22977
services for mentally retarded and developmentally disabled 22978
persons, annually assess each intermediate care facility for the 22979
mentally retarded a franchise permit fee equal to nine dollars and 22980
sixty-three cents multiplied, except as adjusted under section 22981
5112.311 of the Revised Code, by the product of the following: 22982

(1) The number of beds certified under Title XIX of the 22983
"Social Security Act" on the first day of May of the calendar year 22984
in which the assessment is determined pursuant to division (A) of 22985
section 5112.33 of the Revised Code; 22986

(2) The number of days in the fiscal year beginning on the 22987
first day of July of the same calendar year. 22988

(B) Beginning July 1, 2007, and the first day of each July 22989
thereafter, adjust fees determined under division (A) of this 22990
section in accordance with the composite inflation factor 22991
established in rules adopted under section 5112.39 of the Revised 22992
Code. 22993

(C) If the United States secretary of health and human 22994
services determines that the franchise permit fee established by 22995
sections 5112.30 to 5112.39 of the Revised Code would be an 22996
impermissible health care-related tax under section 1903(w) of the 22997
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 22998
necessary actions to cease implementation of those sections in 22999
accordance with rules adopted under section 5112.39 of the Revised 23000
Code. 23001

Sec. 5112.311. If, under section 5111.8816 of the Revised 23002
Code, the certified capacity of an intermediate care facility for 23003
the mentally retarded is reduced, the department of job and family 23004

services shall adjust the franchise permit fee the facility was 23005
assessed under section 5112.31 of the Revised Code accordingly. 23006
If, under section 5111.8811 of the Revised Code, the certified 23007
capacity of an intermediate care facility for the mentally 23008
retarded is increased, the department may adjust the franchise 23009
permit fee the facility was assessed under section 5112.31 of the 23010
Revised Code accordingly. 23011

Sec. 5115.04. (A) The department of job and family services 23012
shall supervise and administer the disability financial assistance 23013
program, except that the department may require county departments 23014
of job and family services to perform any administrative function 23015
specified in rules adopted by the director of job and family 23016
services. 23017

(B) If the department requires county departments to perform 23018
administrative functions under this section, the director shall 23019
adopt rules in accordance with section 111.15 of the Revised Code 23020
governing the performance of the functions to be performed by 23021
county departments. County departments shall perform the functions 23022
in accordance with the rules. The director shall conduct 23023
investigations to determine whether disability financial 23024
assistance is being administered in compliance with the Revised 23025
Code and rules adopted by the director. 23026

(C) If disability financial assistance payments are made by 23027
the county department of job and family services, the department 23028
shall advance sufficient funds to provide the county treasurer 23029
with the amount estimated for the payments. Financial assistance 23030
payments shall be distributed in accordance with sections ~~117.45~~ 23031
126.35, 319.16, and 329.03 of the Revised Code. 23032

Sec. 5119.16. As used in this section, "free clinic" has the 23033
same meaning as in section 2305.2341 of the Revised Code. 23034

(A) The department of mental health is hereby designated to 23035
provide certain goods and services for the department of mental 23036
health, the department of mental retardation and developmental 23037
disabilities, the department of rehabilitation and correction, the 23038
department of youth services, and other state, county, or 23039
municipal agencies requesting such goods and services when the 23040
department of mental health determines that it is in the public 23041
interest, and considers it advisable, to provide these goods and 23042
services. The department of mental health also may provide goods 23043
and services to agencies operated by the United States government 23044
and to public or private nonprofit agencies, other than free 23045
clinics, that are funded in whole or in part by the state if the 23046
public or private nonprofit agencies are designated for 23047
participation in this program by the director of mental health for 23048
community mental health agencies, the director of mental 23049
retardation and developmental disabilities for community mental 23050
retardation and developmental disabilities agencies, the director 23051
of rehabilitation and correction for community rehabilitation and 23052
correction agencies, or the director of youth services for 23053
community youth services agencies. ~~The director of aging may~~ 23054
~~designate for participation community agencies holding a contract~~ 23055
~~with an area agency on aging established under the "Older~~ 23056
~~Americans Act," 79 Stat. 219, 42 U.S.C.A. 3001, as amended.~~ 23057
Designated 23058

Designated community agencies shall receive goods and 23059
services through the department of mental health only in those 23060
cases where the designating state agency certifies that providing 23061
such goods and services to the agency will conserve public 23062
resources to the benefit of the public and where the provision of 23063
such goods and services is considered feasible by the department 23064
of mental health. 23065

~~Purchases of goods or services under this section are not~~ 23066

~~subject to section 307.86 of the Revised Code.~~ 23067

~~(A)~~(B) The department of mental health may permit free 23068
clinics to purchase certain goods and services to the extent the 23069
purchases fall within the exemption to the Robinson-Patman Act, 15 23070
U.S.C. 13 et seq., in 15 U.S.C. 13c, as amended. 23071

(C) The goods and services to be provided by the department 23072
of mental health under divisions (A) and (B) of this section may 23073
include: 23074

(1) Procurement, storage, processing, and distribution of 23075
food and professional consultation on food operations; 23076

(2) Procurement, storage, and distribution of medical and 23077
laboratory supplies, dental supplies, medical records, forms, 23078
optical supplies, and sundries, subject to section 5120.135 of the 23079
Revised Code; 23080

(3) Procurement, storage, repackaging, distribution, and 23081
dispensing of drugs, the provision of professional pharmacy 23082
consultation, and drug information services; 23083

(4) Other goods and services as may be agreed to. 23084

~~(B)~~(D) The department of mental health shall provide the 23085
goods and services designated in division ~~(A)~~(C) of this section 23086
to its institutions and to state-operated community-based mental 23087
health services. 23088

~~(C)~~(E) After consultation with and advice from the director 23089
of mental retardation and developmental disabilities, the director 23090
of rehabilitation and correction, and the director of youth 23091
services, the department of mental health shall provide the goods 23092
and services designated in division ~~(A)~~(C) of this section to the 23093
department of mental retardation and developmental disabilities, 23094
the department of rehabilitation and correction, and the 23095
department of youth services. 23096

~~(D)~~(F) The cost of administration of this section shall be 23097
determined by the department of mental health and paid by the 23098
agencies or free clinics receiving the goods and services to the 23099
department for deposit in the state treasury to the credit of the 23100
mental health fund, which is hereby created. The fund shall be 23101
used to pay the cost of administration of this section to the 23102
department. 23103

~~(E)~~(G) If the goods or services designated in division ~~(A)~~(C) 23104
of this section are not provided in a satisfactory manner by the 23105
department of mental health to the agencies described in division 23106
(A) of this section, the director of mental retardation and 23107
developmental disabilities, the director of rehabilitation and 23108
correction, the director of youth services, or the managing 23109
officer of a department of mental health institution shall attempt 23110
to resolve unsatisfactory service with the director of mental 23111
health. If, after such attempt, the provision of goods or services 23112
continues to be unsatisfactory, the director or officer shall 23113
notify the director of mental health. If within thirty days of 23114
such notice the department of mental health does not provide the 23115
specified goods and services in a satisfactory manner, the 23116
director of mental retardation and developmental disabilities, the 23117
director of rehabilitation and correction, the director of youth 23118
services, or the managing officer of the department of mental 23119
health institution shall notify the director of mental health of 23120
the director's or managing officer's intent to cease purchasing 23121
goods and services from the department. Following a sixty-day 23122
cancellation period from the date of such notice, the department 23123
of mental retardation, department of rehabilitation and 23124
correction, department of youth services, or the department of 23125
mental health institution may obtain the goods and services from a 23126
source other than the department of mental health, if the 23127
department certifies to the department of administrative services 23128

that the requirements of this division have been met. 23129

~~(F)~~(H) Whenever a state agency fails to make a payment for 23130
goods and services provided under this section within thirty-one 23131
days after the date the payment was due, the office of budget and 23132
management may transfer moneys from the state agency to the 23133
department of mental health. The amount transferred shall not 23134
exceed the amount of overdue payments. Prior to making a transfer 23135
under this division, the office of budget and management shall 23136
apply any credits the state agency has accumulated in payments for 23137
goods and services provided under this section. 23138

(I) Purchases of goods and services under this section are 23139
not subject to section 307.86 of the Revised Code. 23140

Sec. 5123.0413. (A) The department of mental retardation and 23141
developmental disabilities, in consultation with the department of 23142
job and family services, office of budget and management, and 23143
county boards of mental retardation and developmental 23144
disabilities, shall adopt rules in accordance with Chapter 119. of 23145
the Revised Code no later than January 1, 2002, establishing a 23146
method of paying for extraordinary costs, including extraordinary 23147
costs for services to individuals with mental retardation or other 23148
developmental disability, and ensure the availability of adequate 23149
funds in the event a county property tax levy for services for 23150
individuals with mental retardation or other developmental 23151
disability fails. The rules may provide for using and managing ~~one~~ 23152
either or ~~more~~ both of the following: 23153

(1) ~~County MR/DD medicaid reserve funds established in~~ 23154
~~accordance with section 5705.091 of the Revised Code;~~ 23155

~~(2)~~ A state MR/DD risk fund, which is hereby created in the 23156
state treasury; 23157

~~(3)~~(2) A state insurance against MR/DD risk fund, which is 23158

hereby created in the state treasury. 23159

(B) Beginning January 1, 2002, the department of job and 23160
family services may not request approval from the United States 23161
secretary of health and human services to increase the number of 23162
slots for home and community-based services until the rules 23163
required by division (A) of this section are in effect. 23164

Sec. 5123.196. (A) Except as provided in ~~divisions~~ division 23165
(F) of this section, the director of mental retardation and 23166
developmental disabilities shall not issue a license under section 23167
5123.19 of the Revised Code on or after July 1, 2003, if issuance 23168
will result in there being more beds in all residential facilities 23169
licensed under that section than is permitted under division (B) 23170
of this section. 23171

(B) ~~The~~ Except as provided in division (D) of this section, 23172
the maximum number of beds for the purpose of division (A) of this 23173
section shall not exceed ten thousand eight hundred thirty-eight 23174
minus, except as provided in division (C) of this section, both of 23175
the following: 23176

(1) The number of such beds that cease to be residential 23177
facility beds on or after July 1, 2003, because a residential 23178
facility license is revoked, terminated, or not renewed for any 23179
reason or is surrendered in accordance with section 5123.19 of the 23180
Revised Code and after the issuance of an adjudication order 23181
pursuant to Chapter 119. of the Revised Code; 23182

(2) The number of such beds for which a licensee voluntarily 23183
converts to use for supported living on or after July 1, 2003. 23184

(C) The director is not required to reduce the maximum number 23185
of beds pursuant to division (B) of this section by a bed that 23186
ceases to be a residential facility bed if the director determines 23187
that the bed is needed to provide services to an individual with 23188

mental retardation or a developmental disability who resided in 23189
the residential facility in which the bed was located unless the 23190
reason the bed ceases to be a residential facility bed is because 23191
it is converted to providing home and community-based services 23192
under the ICF/MR conversion pilot program that is authorized by a 23193
waiver sought under division (B)(1) of section 5111.88 of the 23194
Revised Code. 23195

(D) The director shall increase the number of beds determined 23196
under division (B) of this section if necessary to enable the 23197
operator of a residential facility to do either of the following: 23198

(1) Obtain a residential facility license as required by 23199
section 5111.8814 of the Revised Code; 23200

(2) Reconvert beds to providing ICF/MR services under section 23201
5111.8811 of the Revised Code. 23202

(E) The director shall maintain an up-to-date written record 23203
of the maximum number of residential facility beds provided for by 23204
division (B) of this section. 23205

(F) The director may issue an interim license under division 23206
(R) of section 5123.19 of the Revised Code and issue, pursuant to 23207
rules adopted under division (G)(11) of that section, a waiver 23208
allowing a residential facility to admit more residents than the 23209
facility is licensed to admit regardless of whether the interim 23210
license or waiver will result in there being more beds in all 23211
residential facilities licensed under that section than is 23212
permitted under division (B) of this section. 23213

Sec. 5123.36. (A) To the extent funds are available and on 23214
application by a county ~~boards~~ board of mental retardation and 23215
developmental disabilities or private nonprofit ~~agencies~~ agency 23216
incorporated to provide mental retardation or developmental 23217
disability services, state participation in the director of mental 23218

retardation and developmental disabilities may enter into an 23219
agreement with the county board or agency to assist the county 23220
board or agency with a mental retardation or developmental 23221
disability construction ~~programs may be approved by the director~~ 23222
~~of mental retardation and developmental disabilities as follows:~~ 23223

~~(1) The project. Except as provided by division (B) of this~~ 23224
~~section, the director may approve the provision of provide~~ up to 23225
ninety per cent of the total project cost where circumstances 23226
warrant. 23227

~~(2).~~ The director may, where circumstances warrant, use 23228
existing facilities or other in-kind match for the local share of 23229
the communities' share of the cost. 23230

(B) Upon the recommendation of the director, for ~~programs~~ 23231
projects of the highest priority of the department of mental 23232
retardation and developmental disabilities, ~~state participation~~ 23233
~~may be approved by the controlling board in amounts that vary from~~ 23234
~~the amount authorized under division (A)(1) of this section may~~ 23235
authorize the director to provide more than ninety per cent of the 23236
total cost of a project under this section. 23237

(C) A county board is eligible for funds under this section 23238
for a project bid on or after January 1, 1992, under either 23239
section 153.07 or 307.86 of the Revised Code, as long as all other 23240
applicable requirements were followed. 23241

(D) The director may not assist a project under this section 23242
unless the controlling board or director of budget and management 23243
also approves the project pursuant to section 126.14 of the 23244
Revised Code. 23245

Sec. 5123.37. A county board of mental retardation and 23246
developmental disabilities or private, nonprofit agency that 23247
receives state funds pursuant to an agreement with the director of 23248

mental retardation and developmental disabilities under section 23249
5123.36 of the Revised Code to acquire a facility may apply to the 23250
director for approval to sell the facility before the terms of the 23251
agreement expire for the purpose of acquiring a replacement 23252
facility to be used to provide mental retardation or developmental 23253
disability services to individuals the county board or agency 23254
serves. The application shall be made on a form the director shall 23255
prescribe. The county board or agency shall include in the 23256
application the specific purpose for which the replacement 23257
facility is to be used. The director may refuse to approve the 23258
application if the director determines that any of the following 23259
apply: 23260

(A) The application is incomplete or indicates that the 23261
county board or agency is unable to purchase a replacement 23262
facility. 23263

(B) The replacement facility would not be used to continue to 23264
provide mental retardation or developmental disability services 23265
that the director determines are appropriate for the individuals 23266
the county board or agency serves. 23267

(C) The county board or agency has failed to comply with a 23268
provision of Chapter 5123. or 5126. of the Revised Code or a rule 23269
adopted by the director. 23270

(D) Approving the application would be inconsistent with the 23271
plans and priorities of the department of mental retardation and 23272
developmental disabilities. 23273

Sec. 5123.371. If the director of mental retardation and 23274
developmental disabilities approves an application submitted under 23275
section 5123.37 of the Revised Code, the county board of mental 23276
retardation and developmental disabilities or private, nonprofit 23277
agency that submitted the application shall, after selling the 23278

facility for which the county board or agency received approval to 23279
sell, pay to the director the portion of the proceeds that equals 23280
the amount that the director determines the county board or agency 23281
owes the department of mental retardation and developmental 23282
disabilities, including the department's security interest in the 23283
facility, for the state funds used to acquire the facility. 23284

Sec. 5123.372. If the director of mental retardation and 23285
developmental disabilities approves an application submitted under 23286
section 5123.37 of the Revised Code, the director shall establish 23287
a deadline by which the county board of mental retardation and 23288
developmental disabilities or private, nonprofit agency that 23289
submitted the application must notify the director that the county 23290
board or agency is ready to acquire a replacement facility to be 23291
used for the purpose stated in the application. The director may 23292
extend the deadline as many times as the director determines 23293
necessary. 23294

Sec. 5123.373. If, on or before the deadline or, if any, the 23295
last extended deadline established under section 5123.372 of the 23296
Revised Code for a county board of mental retardation and 23297
developmental disabilities or private, nonprofit agency, the 23298
county board or agency notifies the director of mental retardation 23299
and developmental disabilities that the county board or agency is 23300
ready to acquire the replacement facility, the director shall 23301
enter into an agreement with the county board or agency that 23302
provides for the director to pay to the county board or agency a 23303
percentage of the cost of acquiring the replacement facility. The 23304
agreement shall specify the amount that the director shall pay. 23305
The amount may be the amount of the security interest that the 23306
department of mental retardation and developmental disabilities 23307
had in the previous facility or a different amount. The agreement 23308

may provide for the department to hold a security interest in the 23309
replacement facility. 23310

Sec. 5123.374. (A) The director of mental retardation and 23311
developmental disabilities may rescind approval of an application 23312
submitted under section 5123.37 of the Revised Code if either of 23313
the following occurs: 23314

(1) The county board of mental retardation and developmental 23315
disabilities or private, nonprofit agency that submitted the 23316
application fails, on or before the deadline or, if any, the last 23317
extended deadline established under section 5123.372 of the 23318
Revised Code for the county board or agency, to notify the 23319
director that the county board or agency is ready to acquire the 23320
replacement facility. 23321

(2) The county board or agency at any time notifies the 23322
director that the county board or agency no longer intends to 23323
acquire a replacement facility. 23324

(B) If the director rescinds approval of an application, the 23325
director shall use any funds the county board or agency paid to 23326
the director under section 5123.371 of the Revised Code to assist 23327
mental retardation or developmental disabilities construction 23328
projects under section 5123.36 of the Revised Code. 23329

Sec. 5123.375. The MR/DD community capital replacement 23330
facilities fund is hereby created in the state treasury. The 23331
director of mental retardation and developmental disabilities 23332
shall credit all amounts paid to the director under section 23333
5123.371 of the Revised Code to the fund. The director shall use 23334
the money in the fund as follows: 23335

(A) To make payments to county boards of mental retardation 23336
and developmental disabilities and private, nonprofit agencies 23337

pursuant to agreements entered into under section 5123.373 of the 23338
Revised Code; 23339

(B) To provide, pursuant to section 5123.374 of the Revised 23340
Code, assistance for mental retardation or developmental 23341
disabilities construction projects under section 5123.36 of the 23342
Revised Code. 23343

Sec. 5139.50. (A) The release authority of the department of 23344
youth services is hereby created as a bureau in the department. 23345
The release authority shall consist of five members who are 23346
appointed by the director of youth services and who have the 23347
qualifications specified in division (B) of this section. The 23348
members of the release authority shall devote their full time to 23349
the duties of the release authority and shall neither seek nor 23350
hold other public office. The members shall be in the unclassified 23351
civil service. 23352

(B) A person appointed as a member of the release authority 23353
shall have a bachelor's degree from an accredited college or 23354
university or equivalent relevant experience and shall have the 23355
skills, training, or experience necessary to analyze issues of 23356
law, administration, and public policy. The membership of the 23357
release authority shall represent, insofar as practicable, the 23358
diversity found in the children in the legal custody of the 23359
department of youth services. 23360

In appointing the five members, the director shall ensure 23361
that the appointments include all of the following: 23362

(1) At least four members who have five or more years of 23363
experience in criminal justice, juvenile justice, or an equivalent 23364
relevant profession; 23365

(2) At least one member who has experience in victim services 23366
or advocacy or who has been a victim of a crime or is a family 23367

member of a victim; 23368

(3) At least one member who has experience in direct care 23369
services to delinquent children; 23370

~~(4) At least one member who holds a juris doctor degree from 23371
an accredited college or university. 23372~~

(C) The initial appointments of members of the release 23373
authority shall be for a term of six years for the chairperson and 23374
one member, a term of four years for two members, and a term of 23375
two years for one member. Thereafter, members shall be appointed 23376
for six-year terms. At the conclusion of a term, a member shall 23377
hold office until the appointment and qualification of the 23378
member's successor. The director shall fill a vacancy occurring 23379
before the expiration of a term for the remainder of that term 23380
and, if a member is on extended leave or disability status for 23381
more than thirty work days, may appoint an interim member to 23382
fulfill the duties of that member. A member may be reappointed, 23383
but a member may serve no more than two consecutive terms 23384
regardless of the length of the member's initial term. A member 23385
may be removed for good cause by the director. 23386

(D) The director of youth services shall designate as 23387
chairperson of the release authority one of the members who has 23388
experience in criminal justice, juvenile justice, or an equivalent 23389
relevant profession. The chairperson shall be a managing officer 23390
of the department, shall supervise the members of the board and 23391
the other staff in the bureau, and shall perform all duties and 23392
functions necessary to ensure that the release authority 23393
discharges its responsibilities. The chairperson shall serve as 23394
the official spokesperson for the release authority. 23395

(E) The release authority shall do all of the following: 23396

(1) Serve as the final and sole authority for making 23397
decisions, in the interests of public safety and the children 23398

involved, regarding the release and discharge of all children 23399
committed to the legal custody of the department of youth 23400
services, except children placed by a juvenile court on judicial 23401
release to court supervision or on judicial release to department 23402
of youth services supervision, children who have not completed a 23403
prescribed minimum period of time or prescribed period of time in 23404
a secure facility, or children who are required to remain in a 23405
secure facility until they attain twenty-one years of age; 23406

(2) Establish written policies and procedures for conducting 23407
reviews of the status for all youth in the custody of the 23408
department, setting or modifying dates of release and discharge, 23409
specifying the duration, terms, and conditions of release to be 23410
carried out in supervised release subject to the addition of 23411
additional consistent terms and conditions by a court in 23412
accordance with section 5139.51 of the Revised Code, and giving a 23413
child notice of all reviews; 23414

(3) Maintain records of its official actions, decisions, 23415
orders, and hearing summaries and make the records accessible in 23416
accordance with division (D) of section 5139.05 of the Revised 23417
Code; 23418

(4) Cooperate with public and private agencies, communities, 23419
private groups, and individuals for the development and 23420
improvement of its services; 23421

(5) Collect, develop, and maintain statistical information 23422
regarding its services and decisions; 23423

(6) Submit to the director an annual report that includes a 23424
description of the operations of the release authority, an 23425
evaluation of its effectiveness, recommendations for statutory, 23426
budgetary, or other changes necessary to improve its 23427
effectiveness, and any other information required by the director. 23428

(F) The release authority may do any of the following: 23429

(1) Conduct inquiries, investigations, and reviews and hold 23430
hearings and other proceedings necessary to properly discharge its 23431
responsibilities; 23432

(2) Issue subpoenas, enforceable in a court of law, to compel 23433
a person to appear, give testimony, or produce documentary 23434
information or other tangible items relating to a matter under 23435
inquiry, investigation, review, or hearing; 23436

(3) Administer oaths and receive testimony of persons under 23437
oath; 23438

(4) Request assistance, services, and information from a 23439
public agency to enable the authority to discharge its 23440
responsibilities and receive the assistance, services, and 23441
information from the public agency in a reasonable period of time; 23442

(5) Request from a public agency or any other entity that 23443
provides or has provided services to a child committed to the 23444
department's legal custody information to enable the release 23445
authority to properly discharge its responsibilities with respect 23446
to that child and receive the information from the public agency 23447
or other entity in a reasonable period of time. 23448

(G) The release authority may delegate responsibilities to 23449
hearing officers or other designated staff under the release 23450
authority's auspices. However, the release authority shall not 23451
delegate its authority to make final decisions regarding policy or 23452
the release of a child. 23453

The release authority shall adopt a written policy and 23454
procedures governing appeals of its release and discharge 23455
decisions. 23456

(H) The legal staff of the department of youth services shall 23457
provide assistance to the release authority in the formulation of 23458
policy and in its handling of individual cases. 23459

Sec. 5502.261. A board of county commissioners that has 23460
entered into an agreement to establish a countywide emergency 23461
management agency may appropriate money from its general fund to 23462
support the functions and operations of the agency, including the 23463
development, acquisition, operation, and maintenance of a 23464
countywide public safety communication system and any 23465
communication devices, radios, and other equipment necessary for 23466
the system's operation and use. Money appropriated under this 23467
section may be expended to purchase and maintain the assets or 23468
equipment of the agency, including equipment used by the personnel 23469
of other political subdivisions that have entered into the 23470
agreement with the board establishing the agency. 23471

Sec. 5505.27. All amounts due the state highway patrol 23472
retirement system from the state treasury pursuant to this chapter 23473
shall be promptly paid upon warrant of the ~~auditor of state~~ 23474
director of budget and management pursuant to a voucher approved 23475
by the director ~~of budget and management~~. 23476

Sec. 5531.10. (A) As used in this chapter: 23477

(1) "Bond proceedings" means the resolution, order, trust 23478
agreement, indenture, lease, lease-purchase agreements, and other 23479
agreements, amendments and supplements to the foregoing, or any 23480
one or more or combination thereof, authorizing or providing for 23481
the terms and conditions applicable to, or providing for the 23482
security or liquidity of, obligations issued pursuant to this 23483
section, and the provisions contained in such obligations. 23484

(2) "Bond service charges" means principal, including 23485
mandatory sinking fund requirements for retirement of obligations, 23486
and interest, and redemption premium, if any, required to be paid 23487
by the state on obligations. 23488

(3) "Bond service fund" means the applicable fund and 23489
accounts therein created for and pledged to the payment of bond 23490
service charges, which may be, or may be part of, the state 23491
infrastructure bank revenue bond service fund created by division 23492
(R) of this section including all moneys and investments, and 23493
earnings from investments, credited and to be credited thereto. 23494

(4) "Issuing authority" means the treasurer of state, or the 23495
officer who by law performs the functions of the treasurer of 23496
state. 23497

(5) "Obligations" means bonds, notes, or other evidence of 23498
obligation including interest coupons pertaining thereto, issued 23499
pursuant to this section. 23500

(6) "Pledged receipts" means moneys accruing to the state 23501
from the lease, lease-purchase, sale, or other disposition, or 23502
use, of qualified projects, and from the repayment, including 23503
interest, of loans made from proceeds received from the sale of 23504
obligations; accrued interest received from the sale of 23505
obligations; income from the investment of the special funds; any 23506
gifts, grants, donations, and pledges, and receipts therefrom, 23507
available for the payment of bond service charges; and any amounts 23508
in the state infrastructure bank pledged to the payment of such 23509
charges. If the amounts in the state infrastructure bank are 23510
insufficient for the payment of such charges, "pledged receipts" 23511
also means moneys that are apportioned by the United States 23512
secretary of transportation under United States Code, Title XXIII, 23513
as amended, or any successor legislation, or under any other 23514
federal law relating to aid for highways, and that are to be 23515
received as a grant by the state, to the extent the state is not 23516
prohibited by state or federal law from using such moneys and the 23517
moneys are pledged to the payment of such bond service charges. 23518

(7) "Special funds" or "funds" means, except where the 23519

context does not permit, the bond service fund, and any other 23520
funds, including reserve funds, created under the bond 23521
proceedings, and the state infrastructure bank revenue bond 23522
service fund created by division (R) of this section to the extent 23523
provided in the bond proceedings, including all moneys and 23524
investments, and earnings from investment, credited and to be 23525
credited thereto. 23526

(8) "State infrastructure project" means any public 23527
transportation project undertaken by the state, including, but not 23528
limited to, all components of any such project, as described in 23529
division (D) of section 5531.09 of the Revised Code. 23530

(9) "District obligations" means bonds, notes, or other 23531
evidence of obligation including interest coupons pertaining 23532
thereto, issued to finance a qualified project by a transportation 23533
improvement district created pursuant to section 5540.02 of the 23534
Revised Code, of which the principal, including mandatory sinking 23535
fund requirements for retirement of such obligations, and interest 23536
and redemption premium, if any, are payable by the department of 23537
transportation. 23538

(B) The issuing authority, after giving written notice to the 23539
director of budget and management and upon the certification by 23540
the director of transportation to the issuing authority of the 23541
amount of moneys or additional moneys needed either for state 23542
infrastructure projects or to provide financial assistance for any 23543
of the purposes for which the state infrastructure bank may be 23544
used under section 5531.09 of the Revised Code, or needed for 23545
capitalized interest, funding reserves, and paying costs and 23546
expenses incurred in connection with the issuance, carrying, 23547
securing, paying, redeeming, or retirement of the obligations or 23548
any obligations refunded thereby, including payment of costs and 23549
expenses relating to letters of credit, lines of credit, 23550
insurance, put agreements, standby purchase agreements, indexing, 23551

marketing, remarketing and administrative arrangements, interest 23552
swap or hedging agreements, and any other credit enhancement, 23553
liquidity, remarketing, renewal, or refunding arrangements, all of 23554
which are authorized by this section, shall issue obligations of 23555
the state under this section in the required amount. The proceeds 23556
of such obligations, except for the portion to be deposited in 23557
special funds, including reserve funds, as may be provided in the 23558
bond proceedings, shall as provided in the bond proceedings be 23559
credited to the infrastructure bank obligations fund of the state 23560
infrastructure bank created by section 5531.09 of the Revised Code 23561
and disbursed as provided in the bond proceedings for such 23562
obligations. The issuing authority may appoint trustees, paying 23563
agents, transfer agents, and authenticating agents, and may retain 23564
the services of financial advisors, accounting experts, and 23565
attorneys, and retain or contract for the services of marketing, 23566
remarketing, indexing, and administrative agents, other 23567
consultants, and independent contractors, including printing 23568
services, as are necessary in the issuing authority's judgment to 23569
carry out this section. The costs of such services are payable 23570
from funds of the state infrastructure bank. 23571

(C) ~~Except as otherwise provided in this division, the~~ The 23572
holders or owners of such obligations shall have no right to have 23573
moneys raised by taxation by the state of Ohio obligated or 23574
pledged, and moneys so raised shall not be obligated or pledged, 23575
for the payment of bond service charges. ~~The municipal~~ 23576
~~corporations and counties may pledge and obligate moneys received~~ 23577
~~pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27,~~ 23578
~~and 5735.291 of the Revised Code to the payment of amounts payable~~ 23579
~~by those municipal corporations and counties to the state~~ 23580
~~infrastructure bank pursuant to section 5531.09 of the Revised~~ 23581
~~Code, and the bond proceedings for obligations may provide that~~ 23582
~~such payments shall constitute pledged receipts, provided such~~ 23583

~~moneys are obligated, pledged, and paid only with respect to~~ 23584
~~obligations issued exclusively for public transportation projects.~~ 23585
The right of such holders and owners to the payment of bond 23586
service charges is limited to all or that portion of the pledged 23587
receipts and those special funds pledged thereto pursuant to the 23588
bond proceedings for such obligations in accordance with this 23589
section, and each such obligation shall bear on its face a 23590
statement to that effect. Moneys received as repayment of loans 23591
made by the state infrastructure bank pursuant to section 5531.09 23592
of the Revised Code shall not be considered moneys raised by 23593
taxation by the state of Ohio regardless of the source of the 23594
moneys. 23595

(D) Obligations shall be authorized by order of the issuing 23596
authority and the bond proceedings shall provide for the purpose 23597
thereof and the principal amount or amounts, and shall provide for 23598
or authorize the manner or agency for determining the principal 23599
maturity or maturities, not exceeding twenty-five years from the 23600
date of issuance, the interest rate or rates or the maximum 23601
interest rate, the date of the obligations and the dates of 23602
payment of interest thereon, their denomination, and the 23603
establishment within or without the state of a place or places of 23604
payment of bond service charges. Sections 9.98 to 9.983 of the 23605
Revised Code are applicable to obligations issued under this 23606
section. The purpose of such obligations may be stated in the bond 23607
proceedings in terms describing the general purpose or purposes to 23608
be served. The bond proceedings also shall provide, subject to the 23609
provisions of any other applicable bond proceedings, for the 23610
pledge of all, or such part as the issuing authority may 23611
determine, of the pledged receipts and the applicable special fund 23612
or funds to the payment of bond service charges, which pledges may 23613
be made either prior or subordinate to other expenses, claims, or 23614
payments, and may be made to secure the obligations on a parity 23615
with obligations theretofore or thereafter issued, if and to the 23616

extent provided in the bond proceedings. The pledged receipts and
special funds so pledged and thereafter received by the state
immediately are subject to the lien of such pledge without any
physical delivery thereof or further act, and the lien of any such
pledges is valid and binding against all parties having claims of
any kind against the state or any governmental agency of the
state, irrespective of whether such parties have notice thereof,
and shall create a perfected security interest for all purposes of
Chapter 1309. of the Revised Code, without the necessity for
separation or delivery of funds or for the filing or recording of
the bond proceedings by which such pledge is created or any
certificate, statement, or other document with respect thereto;
and the pledge of such pledged receipts and special funds is
effective and the money therefrom and thereof may be applied to
the purposes for which pledged without necessity for any act of
appropriation. Every pledge, and every covenant and agreement made
with respect thereto, made in the bond proceedings may therein be
extended to the benefit of the owners and holders of obligations
authorized by this section, and to any trustee therefor, for the
further security of the payment of the bond service charges.

(E) The bond proceedings may contain additional provisions as
to:

(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;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing
the obligations or under which the same may be issued;

(5) The deposit, investment, and application of special

funds, and the safeguarding of moneys on hand or on deposit, 23648
without regard to Chapter 131. or 135. of the Revised Code, but 23649
subject to any special provisions of this section with respect to 23650
particular funds or moneys, provided that any bank or trust 23651
company which acts as depository of any moneys in the special 23652
funds may furnish such indemnifying bonds or may pledge such 23653
securities as required by the issuing authority; 23654

(6) Any or every provision of the bond proceedings being 23655
binding upon such officer, board, commission, authority, agency, 23656
department, or other person or body as may from time to time have 23657
the authority under law to take such actions as may be necessary 23658
to perform all or any part of the duty required by such provision; 23659

(7) Any provision that may be made in a trust agreement or 23660
indenture; 23661

(8) Any other or additional agreements with the holders of 23662
the obligations, or the trustee therefor, relating to the 23663
obligations or the security therefor, including the assignment of 23664
mortgages or other security relating to financial assistance for 23665
qualified projects under section 5531.09 of the Revised Code. 23666

(F) The obligations may have the great seal of the state or a 23667
facsimile thereof affixed thereto or printed thereon. The 23668
obligations and any coupons pertaining to obligations shall be 23669
signed or bear the facsimile signature of the issuing authority. 23670
Any obligations or coupons may be executed by the person who, on 23671
the date of execution, is the proper issuing authority although on 23672
the date of such bonds or coupons such person was not the issuing 23673
authority. In case the issuing authority whose signature or a 23674
facsimile of whose signature appears on any such obligation or 23675
coupon ceases to be the issuing authority before delivery thereof, 23676
such signature or facsimile nevertheless is valid and sufficient 23677
for all purposes as if the former issuing authority had remained 23678

the issuing authority until such delivery; and in case the seal to 23679
be affixed to obligations has been changed after a facsimile of 23680
the seal has been imprinted on such obligations, such facsimile 23681
seal shall continue to be sufficient as to such obligations and 23682
obligations issued in substitution or exchange therefor. 23683

(G) All obligations are negotiable instruments and securities 23684
under Chapter 1308. of the Revised Code, subject to the provisions 23685
of the bond proceedings as to registration. The obligations may be 23686
issued in coupon or in registered form, or both, as the issuing 23687
authority determines. Provision may be made for the registration 23688
of any obligations with coupons attached thereto as to principal 23689
alone or as to both principal and interest, their exchange for 23690
obligations so registered, and for the conversion or reconversion 23691
into obligations with coupons attached thereto of any obligations 23692
registered as to both principal and interest, and for reasonable 23693
charges for such registration, exchange, conversion, and 23694
reconversion. 23695

(H) Obligations may be sold at public sale or at private 23696
sale, as determined in the bond proceedings. 23697

(I) Pending preparation of definitive obligations, the 23698
issuing authority may issue interim receipts or certificates which 23699
shall be exchanged for such definitive obligations. 23700

(J) In the discretion of the issuing authority, obligations 23701
may be secured additionally by a trust agreement or indenture 23702
between the issuing authority and a corporate trustee which may be 23703
any trust company or bank having its principal place of business 23704
within the state. Any such agreement or indenture may contain the 23705
order authorizing the issuance of the obligations, any provisions 23706
that may be contained in any bond proceedings, and other 23707
provisions which are customary or appropriate in an agreement or 23708
indenture of such type, including, but not limited to: 23709

(1) Maintenance of each pledge, trust agreement, indenture,	23710
or other instrument comprising part of the bond proceedings until	23711
the state has fully paid the bond service charges on the	23712
obligations secured thereby, or provision therefor has been made;	23713
(2) In the event of default in any payments required to be	23714
made by the bond proceedings, or any other agreement of the	23715
issuing authority made as a part of the contract under which the	23716
obligations were issued, enforcement of such payments or agreement	23717
by mandamus, the appointment of a receiver, suit in equity, action	23718
at law, or any combination of the foregoing;	23719
(3) The rights and remedies of the holders of obligations and	23720
of the trustee, and provisions for protecting and enforcing them,	23721
including limitations on the rights of individual holders of	23722
obligations;	23723
(4) The replacement of any obligations that become mutilated	23724
or are destroyed, lost, or stolen;	23725
(5) Such other provisions as the trustee and the issuing	23726
authority agree upon, including limitations, conditions, or	23727
qualifications relating to any of the foregoing.	23728
(K) Any holder of obligations or a trustee under the bond	23729
proceedings, except to the extent that the holder's or trustee's	23730
rights are restricted by the bond proceedings, may by any suitable	23731
form of legal proceedings, protect and enforce any rights under	23732
the laws of this state or granted by such bond proceedings. Such	23733
rights include the right to compel the performance of all duties	23734
of the issuing authority and the director of transportation	23735
required by the bond proceedings or sections 5531.09 and 5531.10	23736
of the Revised Code; to enjoin unlawful activities; and in the	23737
event of default with respect to the payment of any bond service	23738
charges on any obligations or in the performance of any covenant	23739
or agreement on the part of the issuing authority or the director	23740

of transportation in the bond proceedings, to apply to a court 23741
having jurisdiction of the cause to appoint a receiver to receive 23742
and administer the pledged receipts and special funds, other than 23743
those in the custody of the treasurer of state, which are pledged 23744
to the payment of the bond service charges on such obligations or 23745
which are the subject of the covenant or agreement, with full 23746
power to pay, and to provide for payment of bond service charges 23747
on, such obligations, and with such powers, subject to the 23748
direction of the court, as are accorded receivers in general 23749
equity cases, excluding any power to pledge additional revenues or 23750
receipts or other income or moneys of the state or local 23751
governmental entities, or agencies thereof, to the payment of such 23752
principal and interest and excluding the power to take possession 23753
of, mortgage, or cause the sale or otherwise dispose of any 23754
project facilities. 23755

Each duty of the issuing authority and the issuing 23756
authority's officers and employees, and of each state or local 23757
governmental agency and its officers, members, or employees, 23758
undertaken pursuant to the bond proceedings or any loan, loan 23759
guarantee, lease, lease-purchase agreement, or other agreement 23760
made under authority of section 5531.09 of the Revised Code, and 23761
in every agreement by or with the issuing authority, is hereby 23762
established as a duty of the issuing authority, and of each such 23763
officer, member, or employee having authority to perform such 23764
duty, specifically enjoined by the law resulting from an office, 23765
trust, or station within the meaning of section 2731.01 of the 23766
Revised Code. 23767

The person who is at the time the issuing authority, or the 23768
issuing authority's officers or employees, are not liable in their 23769
personal capacities on any obligations issued by the issuing 23770
authority or any agreements of or with the issuing authority. 23771

(L) The issuing authority may authorize and issue obligations 23772

for the refunding, including funding and retirement, and advance 23773
refunding with or without payment or redemption prior to maturity, 23774
of any obligations previously issued by the issuing authority or 23775
district obligations. Such refunding obligations may be issued in 23776
amounts sufficient for payment of the principal amount of the 23777
prior obligations or district obligations, any redemption premiums 23778
thereon, principal maturities of any such obligations or district 23779
obligations maturing prior to the redemption of the remaining 23780
obligations or district obligations on a parity therewith, 23781
interest accrued or to accrue to the maturity dates or dates of 23782
redemption of such obligations or district obligations, and any 23783
expenses incurred or to be incurred in connection with such 23784
issuance and such refunding, funding, and retirement. Subject to 23785
the bond proceedings therefor, the portion of proceeds of the sale 23786
of refunding obligations issued under this division to be applied 23787
to bond service charges on the prior obligations or district 23788
obligations shall be credited to an appropriate account held by 23789
the trustee for such prior or new obligations or to the 23790
appropriate account in the bond service fund for such obligations 23791
or district obligations. Obligations authorized under this 23792
division shall be deemed to be issued for those purposes for which 23793
such prior obligations or district obligations were issued and are 23794
subject to the provisions of this section pertaining to other 23795
obligations, except as otherwise provided in this section. The 23796
last maturity of obligations authorized under this division shall 23797
not be later than twenty-five years from the date of issuance of 23798
the original securities issued for the original purpose. 23799

(M) The authority to issue obligations under this section 23800
includes authority to issue obligations in the form of bond 23801
anticipation notes and to renew the same from time to time by the 23802
issuance of new notes. The holders of such notes or interest 23803
coupons pertaining thereto shall have a right to be paid solely 23804

from the pledged receipts and special funds that may be pledged to 23805
the payment of the bonds anticipated, or from the proceeds of such 23806
bonds or renewal notes, or both, as the issuing authority provides 23807
in the order authorizing such notes. Such notes may be 23808
additionally secured by covenants of the issuing authority to the 23809
effect that the issuing authority and the state will do such or 23810
all things necessary for the issuance of such bonds or renewal 23811
notes in the appropriate amount, and apply the proceeds thereof to 23812
the extent necessary, to make full payment of the principal of and 23813
interest on such notes at the time or times contemplated, as 23814
provided in such order. For such purpose, the issuing authority 23815
may issue bonds or renewal notes in such principal amount and upon 23816
such terms as may be necessary to provide funds to pay when 23817
required the principal of and interest on such notes, 23818
notwithstanding any limitations prescribed by or for purposes of 23819
this section. Subject to this division, all provisions for and 23820
references to obligations in this section are applicable to notes 23821
authorized under this division. 23822

The issuing authority in the bond proceedings authorizing the 23823
issuance of bond anticipation notes shall set forth for such bonds 23824
an estimated interest rate and a schedule of principal payments 23825
for such bonds and the annual maturity dates thereof. 23826

(N) Obligations issued under this section are lawful 23827
investments for banks, societies for savings, savings and loan 23828
associations, deposit guarantee associations, trust companies, 23829
trustees, fiduciaries, insurance companies, including domestic for 23830
life and domestic not for life, trustees or other officers having 23831
charge of sinking and bond retirement or other special funds of 23832
political subdivisions and taxing districts of this state, the 23833
commissioners of the sinking fund of the state, the administrator 23834
of workers' compensation, the state teachers retirement system, 23835
the public employees retirement system, the school employees 23836

retirement system, and the Ohio police and fire pension fund, 23837
notwithstanding any other provisions of the Revised Code or rules 23838
adopted pursuant thereto by any agency of the state with respect 23839
to investments by them, and are also acceptable as security for 23840
the deposit of public moneys. 23841

(O) Unless otherwise provided in any applicable bond 23842
proceedings, moneys to the credit of or in the special funds 23843
established by or pursuant to this section may be invested by or 23844
on behalf of the issuing authority only in notes, bonds, or other 23845
obligations of the United States, or of any agency or 23846
instrumentality of the United States, obligations guaranteed as to 23847
principal and interest by the United States, obligations of this 23848
state or any political subdivision of this state, and certificates 23849
of deposit of any national bank located in this state and any 23850
bank, as defined in section 1101.01 of the Revised Code, subject 23851
to inspection by the superintendent of financial institutions. If 23852
the law or the instrument creating a trust pursuant to division 23853
(J) of this section expressly permits investment in direct 23854
obligations of the United States or an agency of the United 23855
States, unless expressly prohibited by the instrument, such moneys 23856
also may be invested in no-front-end-load money market mutual 23857
funds consisting exclusively of obligations of the United States 23858
or an agency of the United States and in repurchase agreements, 23859
including those issued by the fiduciary itself, secured by 23860
obligations of the United States or an agency of the United 23861
States; and in collective investment funds as defined in division 23862
(A) of section 1111.01 of the Revised Code and consisting 23863
exclusively of any such securities. The income from such 23864
investments shall be credited to such funds as the issuing 23865
authority determines, and such investments may be sold at such 23866
times as the issuing authority determines or authorizes. 23867

(P) Provision may be made in the applicable bond proceedings 23868

for the establishment of separate accounts in the bond service 23869
fund and for the application of such accounts only to the 23870
specified bond service charges on obligations pertinent to such 23871
accounts and bond service fund and for other accounts therein 23872
within the general purposes of such fund. Unless otherwise 23873
provided in any applicable bond proceedings, moneys to the credit 23874
of or in the several special funds established pursuant to this 23875
section shall be disbursed on the order of the treasurer of state, 23876
provided that no such order is required for the payment from the 23877
bond service fund when due of bond service charges on obligations. 23878

(Q)(1) The issuing authority may pledge all, or such portion 23879
as the issuing authority determines, of the pledged receipts to 23880
the payment of bond service charges on obligations issued under 23881
this section, and for the establishment and maintenance of any 23882
reserves, as provided in the bond proceedings, and make other 23883
provisions therein with respect to pledged receipts as authorized 23884
by this chapter, which provisions are controlling notwithstanding 23885
any other provisions of law pertaining thereto. 23886

(2) An action taken under division (Q)(2) of this section 23887
does not limit the generality of division (Q)(1) of this section, 23888
and is subject to division (C) of this section and, if and to the 23889
extent otherwise applicable, Section 13 of Article VIII, Ohio 23890
Constitution. The bond proceedings may contain a covenant that, in 23891
the event the pledged receipts primarily pledged and required to 23892
be used for the payment of bond service charges on obligations 23893
issued under this section, and for the establishment and 23894
maintenance of any reserves, as provided in the bond proceedings, 23895
are insufficient to make any such payment in full when due, or to 23896
maintain any such reserve, the director of transportation shall so 23897
notify the governor, and shall determine to what extent, if any, 23898
the payment may be made or moneys may be restored to the reserves 23899
from lawfully available moneys previously appropriated for that 23900

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 23932
credited to the bond service fund, and all other moneys 23933
transferred or allocated to or received for the purposes of the 23934
fund, shall be deposited and credited to such fund and to any 23935
separate accounts therein, subject to applicable provisions of the 23936
bond proceedings, but without necessity for any act of 23937
appropriation. The state infrastructure bank revenue bond service 23938
fund is a trust fund and is hereby pledged to the payment of bond 23939
service charges to the extent provided in the applicable bond 23940
proceedings, and payment thereof from such fund shall be made or 23941
provided for by the treasurer of state in accordance with such 23942
bond proceedings without necessity for any act of appropriation. 23943

(S) The obligations issued pursuant to this section, the 23944
transfer thereof, and the income therefrom, including any profit 23945
made on the sale thereof, shall at all times be free from taxation 23946
within this state. 23947

Sec. 5531.101. (A) Municipal corporations, counties, and 23948
townships may not use revenue raised under section 5735.29 of the 23949
Revised Code to repay loans made by the state infrastructure bank 23950
under section 5531.09 of the Revised Code if both of the following 23951
apply: 23952

(1) The loans were made for highway, road, or street projects 23953
begun prior to March 31, 2003. 23954

(2) The revenue: 23955

(a) Results from the increase in the tax imposed under 23956
section 5735.29 of the Revised Code pursuant to the amendment of 23957
the section by Am. Sub. H.B. 87 of the 125th General Assembly; and 23958

(b) Is distributed under section 5735.291 of the Revised 23959
Code. 23960

(B) While the loans described in division (A)(1) of this 23961

section are outstanding, the tax commissioner shall notify 23962
municipal corporations, counties, and townships receiving the 23963
revenue described in division (A)(2) of this section of the amount 23964
that cannot be used for the loan repayments. 23965

Sec. 5577.99. (A) Whoever violates the weight provisions of 23966
sections 5577.01 to 5577.07 or the weight provisions in regard to 23967
highways under section 5577.04 of the Revised Code shall be fined 23968
eighty dollars for the first two thousand pounds, or fraction 23969
thereof, of overload; for overloads in excess of two thousand 23970
pounds, but not in excess of five thousand pounds, such person 23971
shall be fined one hundred dollars, and in addition thereto one 23972
dollar per one hundred pounds of overload; for overloads in excess 23973
of five thousand pounds, but not in excess of ten thousand pounds, 23974
such person shall be fined one hundred thirty dollars and in 23975
addition thereto two dollars per one hundred pounds of overload, 23976
or imprisoned not more than thirty days, or both. For all 23977
overloads in excess of ten thousand pounds such person shall be 23978
fined one hundred sixty dollars, and in addition thereto three 23979
dollars per one hundred pounds of overload, or imprisoned not more 23980
than thirty days, or both. Whoever violates the weight provisions 23981
of vehicle and load relating to gross load limits shall be fined 23982
not less than one hundred dollars. No penalty prescribed in this 23983
division shall be imposed on any vehicle combination if the 23984
overload on any axle does not exceed one thousand pounds, and if 23985
the immediately preceding or following axle, excepting the front 23986
axle of the vehicle combination, is underloaded by the same or a 23987
greater amount. For purposes of this division, two axles on one 23988
vehicle less than eight feet apart, shall be considered as one 23989
axle. 23990

(B) Whoever violates the weight provisions of section 23991
~~5571.071~~ 5577.071 or 5577.08 or the weight provisions in regard to 23992

bridges under section 5577.09, and whoever exceeds the carrying 23993
capacity specified under section 5591.42 of the Revised Code, 23994
shall be fined eighty dollars for the first two thousand pounds, 23995
or fraction thereof, of overload; for overloads in excess of two 23996
thousand pounds, but not in excess of five thousand pounds, the 23997
person shall be fined one hundred dollars, and in addition thereto 23998
one dollar per one hundred pounds of overload; for overloads in 23999
excess of five thousand pounds, but not in excess of ten thousand 24000
pounds, the person shall be fined one hundred thirty dollars, and 24001
in addition thereto two dollars per one hundred pounds of 24002
overload, or imprisoned not more than thirty days, or both. For 24003
all overloads in excess of ten thousand pounds, the person shall 24004
be fined one hundred sixty dollars, and in addition thereto three 24005
dollars per one hundred pounds of overload, or imprisoned not more 24006
than thirty days, or both. 24007

Notwithstanding any other provision of the Revised Code that 24008
specifies a procedure for the distribution of fines, all fines 24009
collected pursuant to division (B) of this section shall be paid 24010
into the treasury of the county and credited to any fund for the 24011
maintenance and repair of roads, highways, bridges, or culverts. 24012

(C) Whoever violates any other provision of sections 5577.01 24013
to 5577.09 of the Revised Code is guilty of a minor misdemeanor on 24014
a first offense; on a second or subsequent offense, such person is 24015
guilty of a misdemeanor of the fourth degree. 24016

(D) Whoever violates section 5577.10 of the Revised Code 24017
shall be fined not more than five thousand dollars or imprisoned 24018
for not less than thirty days nor more than six months, or both. 24019

(E) Whoever violates section 5577.11 of the Revised Code 24020
shall be fined not more than twenty-five dollars. 24021

Sec. 5701.11. (A) Except as provided under division (B) of 24022
this section, any reference in Title LVII of the Revised Code to 24023

the Internal Revenue Code, to the Internal Revenue Code "as 24024
amended," to other laws of the United States, or to other laws of 24025
the United States, "as amended" means the Internal Revenue Code or 24026
other laws of the United States as they exist on the effective 24027
date of this section as enacted by H.B. 530 of the 126th general 24028
assembly. This section does not apply to any reference to the 24029
Internal Revenue Code or to other laws of the United States as of 24030
a date certain specifying the day, month, and year. 24031

(B) For purposes of applying section 5733.04, 5745.01, or 24032
5747.01 of the Revised Code to a taxpayer's taxable year ending in 24033
2005, and also to the subsequent taxable year if it ends before 24034
the effective date of this section, a taxpayer may irrevocably 24035
elect to incorporate the provisions of the Internal Revenue Code 24036
or other laws of the United States that are in effect for federal 24037
income tax purposes for those taxable years if those provisions 24038
differ from the provisions that would otherwise be incorporated 24039
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for 24040
those taxable years under division (A) of this section. The filing 24041
of a report or return by the taxpayer for the taxable year ending 24042
in 2005 that incorporates the provisions of the Internal Revenue 24043
Code or other laws of the United States applicable for federal 24044
income tax purposes to that taxable year, without adjustments to 24045
reverse the effects of any differences between those provisions 24046
and the provisions that would otherwise be incorporated under 24047
division (A) of this section, constitutes the making of an 24048
irrevocable election under this division for that taxable year and 24049
for the subsequent taxable year if it ends before the effective 24050
date of this section. 24051

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 24052
of this section, no agent of the department of taxation, except in 24053
the agent's report to the department or when called on to testify 24054

in any court or proceeding, shall divulge any information acquired 24055
by the agent as to the transactions, property, or business of any 24056
person while acting or claiming to act under orders of the 24057
department. Whoever violates this provision shall thereafter be 24058
disqualified from acting as an officer or employee or in any other 24059
capacity under appointment or employment of the department. 24060

24061
(B)(1) For purposes of an audit pursuant to section 117.15 of 24062
the Revised Code, or an audit of the department pursuant to 24063
Chapter 117. of the Revised Code, or an audit, pursuant to that 24064
chapter, the objective of which is to express an opinion on a 24065
financial report or statement prepared or issued pursuant to 24066
division (A)(7) or (9) of section 126.21 of the Revised Code, the 24067
officers and employees of the auditor of state charged with 24068
conducting the audit shall have access to and the right to examine 24069
any state tax returns and state tax return information in the 24070
possession of the department to the extent that the access and 24071
examination are necessary for purposes of the audit. Any 24072
information acquired as the result of that access and examination 24073
shall not be divulged for any purpose other than as required for 24074
the audit or unless the officers and employees are required to 24075
testify in a court or proceeding under compulsion of legal 24076
process. Whoever violates this provision shall thereafter be 24077
disqualified from acting as an officer or employee or in any other 24078
capacity under appointment or employment of the auditor of state. 24079

(2) As provided by section 6103(d)(2) of the Internal Revenue 24080
Code, any federal tax returns or federal tax information that the 24081
department has acquired from the internal revenue service, through 24082
federal and state statutory authority, may be disclosed to the 24083
auditor of state solely for purposes of an audit of the 24084
department. 24085

(C) Division (A) of this section does not prohibit any of the 24086

following:	24087
(1) Divulging information contained in applications,	24088
complaints, and related documents filed with the department under	24089
section 5715.27 of the Revised Code or in applications filed with	24090
the department under section 5715.39 of the Revised Code;	24091
(2) Providing information to the office of child support	24092
within the department of job and family services pursuant to	24093
section 3125.43 of the Revised Code;	24094
(3) Disclosing to the board of motor vehicle collision repair	24095
registration any information in the possession of the department	24096
that is necessary for the board to verify the existence of an	24097
applicant's valid vendor's license and current state tax	24098
identification number under section 4775.07 of the Revised Code;	24099
(4) Providing information to the administrator of workers'	24100
compensation pursuant to section 4123.591 of the Revised Code;	24101
(5) Providing to the attorney general information the	24102
department obtains under division (J) of section 1346.01 of the	24103
Revised Code;	24104
(6) Permitting properly authorized officers, employees, or	24105
agents of a municipal corporation from inspecting reports or	24106
information pursuant to rules adopted under section 5745.16 of the	24107
Revised Code;	24108
(7) Providing information regarding the name, account number,	24109
or business address of a holder of a vendor's license issued	24110
pursuant to section 5739.17 of the Revised Code, a holder of a	24111
direct payment permit issued pursuant to section 5739.031 of the	24112
Revised Code, or a seller having a use tax account maintained	24113
pursuant to section 5741.17 of the Revised Code, or information	24114
regarding the active or inactive status of a vendor's license,	24115
direct payment permit, or seller's use tax account;	24116

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code.

Sec. 5703.57. (A) As used in this section, "Ohio business gateway" has the same meaning as in section 718.051 of the Revised Code.

(B) There is hereby created the Ohio business gateway steering committee to direct the continuing development of the Ohio business gateway and to oversee its operations. The committee shall provide general oversight regarding operation of the Ohio business gateway and shall recommend to the department of administrative services enhancements that will improve the Ohio business gateway. The committee shall consider all banking, technological, administrative, and other issues associated with the Ohio business gateway and shall make recommendations regarding the type of reporting forms or other tax documents to be filed through the Ohio business gateway.

(C) The committee shall consist of:

(1) The following members, appointed by the governor with the advice and consent of the senate:

(a) Not more than two representatives of the business community;

(b) Not more than three representatives of municipal tax administrators; and

(c) Not more than two tax practitioners.	24147
(2) The following ex officio members:	24148
(a) The director or other highest officer of each state	24149
agency that has tax reporting forms or other tax documents filed	24150
with it through the Ohio business gateway or the director's	24151
designee;	24152
(b) The secretary of state or the secretary of state's	24153
designee;	24154
(c) The treasurer of state or the treasurer of state's	24155
designee;	24156
(d) The director of budget and management or the director's	24157
designee;	24158
(e) The director of administrative services <u>the office of</u>	24159
<u>information technology</u> or the director's designee; and	24160
(f) The tax commissioner or the tax commissioner's designee.	24161
An appointed member shall serve until the member resigns or	24162
is removed by the governor. Vacancies shall be filled in the same	24163
manner as original appointments.	24164
(D) A vacancy on the committee does not impair the right of	24165
the other members to exercise all the functions of the committee.	24166
The presence of a majority of the members of the committee	24167
constitutes a quorum for the conduct of business of the committee.	24168
The concurrence of at least a majority of the members of the	24169
committee is necessary for any action to be taken by the	24170
committee. On request, each member of the committee shall be	24171
reimbursed for the actual and necessary expenses incurred in the	24172
discharge of the member's duties.	24173
(E) The committee is a part of the department of taxation for	24174
administrative purposes.	24175

(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 purpose authorized by the Revised Code, the taxing authority shall certify to the county auditor a resolution or ordinance requesting that the county auditor certify to the taxing authority the total current tax valuation of the subdivision, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills. The resolution or ordinance shall state the purpose of the

tax, whether the tax is an additional levy or a renewal or a replacement of an existing tax, and the section of the Revised Code authorizing submission of the question of the tax. If a subdivision is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the subdivision is located the current tax valuation for the portion of the subdivision in that county. The county auditor shall issue the certification to the taxing authority within ten days after receiving the taxing authority's resolution or ordinance requesting it.

(2) When considering the tangible personal property component of the tax valuation of the subdivision, the county auditor shall take into account the assessment percentages prescribed in section 5711.22 of the Revised Code. The tax commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized.

(3) If, upon receiving the certification from the county auditor, the taxing authority proceeds with the submission of the question of the tax to electors, the taxing authority shall certify its resolution or ordinance, accompanied by a copy of the county auditor's certification, to the proper county board of elections in the manner and within the time prescribed by the section of the Revised Code governing submission of the question, and shall include with its certification the rate of the tax levy, expressed in mills for each one dollar in tax valuation as estimated by the county auditor. The county board of elections shall not submit the question of the tax to electors unless a copy of the county auditor's certification accompanies the resolution or ordinance the taxing authority certifies to the board. Before requesting a taxing authority to submit a tax levy, any agency or authority authorized to make that request shall first request the certification from the county auditor provided under this section.

(4) This division is supplemental to, and not in derogation 24239
of, any similar requirement governing the certification by the 24240
county auditor of the tax valuation of a subdivision or necessary 24241
tax rates for the purposes of the submission of the question of a 24242
tax in excess of the ten-mill limitation, including sections 24243
133.18 and 5705.195 of the Revised Code. 24244

(C) All taxes levied on property shall be extended on the tax 24245
duplicate by the county auditor of the county in which the 24246
property is located, and shall be collected by the county 24247
treasurer of such county in the same manner and under the same 24248
laws and rules as are prescribed for the assessment and collection 24249
of county taxes. The proceeds of any tax levied by or for any 24250
subdivision when received by its fiscal officer shall be deposited 24251
in its treasury to the credit of the appropriate fund. 24252

Sec. 5705.091. The board of county commissioners of each 24253
county shall establish a county mental retardation and 24254
developmental disabilities general fund. Notwithstanding ~~sections~~ 24255
~~5705.09 and section~~ 5705.10 of the Revised Code, proceeds from 24256
levies under section 5705.222 and division (L) of section 5705.19 24257
of the Revised Code shall be deposited to the credit of the county 24258
mental retardation and developmental disabilities general fund. 24259
Accounts shall be established within the county mental retardation 24260
and developmental disabilities general fund for each of the 24261
several particular purposes of the levies as specified in the 24262
resolutions under which the levies were approved, and proceeds 24263
from different levies that were approved for the same particular 24264
purpose shall be credited to accounts for that purpose. Other 24265
money received by the county for the purposes of Chapters 3323. 24266
and 5126. of the Revised Code and not required by state or federal 24267
law to be deposited to the credit of a different fund shall also 24268
be deposited to the credit of the county mental retardation and 24269

developmental disabilities general fund, in an account appropriate 24270
to the particular purpose for which the money was received. Unless 24271
otherwise provided by law, an unexpended balance at the end of a 24272
fiscal year in any account in the county mental retardation and 24273
developmental disabilities general fund shall be appropriated the 24274
next fiscal year to the same fund. 24275

A county board of mental retardation and developmental 24276
disabilities may request, by resolution, that the board of county 24277
commissioners establish a county mental retardation and 24278
developmental disabilities capital fund for money to be used for 24279
acquisition, construction, or improvement of capital facilities or 24280
acquisition of capital equipment used in providing services to 24281
mentally retarded and developmentally disabled persons. The county 24282
board of mental retardation and developmental disabilities shall 24283
transmit a certified copy of the resolution to the board of county 24284
commissioners. Upon receiving the resolution, the board of county 24285
commissioners shall establish a county mental retardation and 24286
developmental disabilities capital fund. 24287

~~A county board shall request, by resolution, that the board 24288
of county commissioners establish a county MR/DD medicaid reserve 24289
fund. On receipt of the resolution, the board of county 24290
commissioners shall establish a county MR/DD medicaid reserve 24291
fund. The portion of federal revenue funds that the county board 24292
earns for providing medicaid case management services and home and 24293
community based services that is needed for the county board to 24294
pay for extraordinary costs, including extraordinary costs for 24295
services to individuals with mental retardation or other 24296
developmental disability, and ensure the availability of adequate 24297
funds in the event a county property tax levy for services for 24298
individuals with mental retardation or other developmental 24299
disability fails shall be deposited into the fund. The county 24300
board shall use money in the fund for those purposes in accordance 24301~~

~~with rules adopted under section 5123.0413 of the Revised Code.~~ 24302

Sec. 5705.19. This section does not apply to school districts 24303
or county school financing districts. 24304

The taxing authority of any subdivision at any time and in 24305
any year, by vote of two-thirds of all the members of the taxing 24306
authority, may declare by resolution and certify the resolution to 24307
the board of elections not less than seventy-five days before the 24308
election upon which it will be voted that the amount of taxes that 24309
may be raised within the ten-mill limitation will be insufficient 24310
to provide for the necessary requirements of the subdivision and 24311
that it is necessary to levy a tax in excess of that limitation 24312
for any of the following purposes: 24313

(A) For current expenses of the subdivision, except that the 24314
total levy for current expenses of a detention facility district 24315
or district organized under section 2151.65 of the Revised Code 24316
shall not exceed two mills and that the total levy for current 24317
expenses of a combined district organized under sections 2151.65 24318
and 2152.41 of the Revised Code shall not exceed four mills; 24319

(B) For the payment of debt charges on certain described 24320
bonds, notes, or certificates of indebtedness of the subdivision 24321
issued subsequent to January 1, 1925; 24322

(C) For the debt charges on all bonds, notes, and 24323
certificates of indebtedness issued and authorized to be issued 24324
prior to January 1, 1925; 24325

(D) For a public library of, or supported by, the subdivision 24326
under whatever law organized or authorized to be supported; 24327

(E) For a municipal university, not to exceed two mills over 24328
the limitation of one mill prescribed in section 3349.13 of the 24329
Revised Code; 24330

(F) For the construction or acquisition of any specific 24331

permanent improvement or class of improvements that the taxing	24332
authority of the subdivision may include in a single bond issue;	24333
(G) For the general construction, reconstruction,	24334
resurfacing, and repair of streets, roads, and bridges in	24335
municipal corporations, counties, or townships;	24336
(H) For parks and recreational purposes;	24337
(I) For the purpose of providing and maintaining fire	24338
apparatus, appliances, buildings, or sites therefor, or sources of	24339
water supply and materials therefor, or the establishment and	24340
maintenance of lines of fire alarm telegraph, or the payment of	24341
permanent, part-time, or volunteer firefighters or firefighting	24342
companies to operate the same, including the payment of the	24343
firefighter employers' contribution required under section 742.34	24344
of the Revised Code, or the purchase of ambulance equipment, or	24345
the provision of ambulance, paramedic, or other emergency medical	24346
services operated by a fire department or firefighting company;	24347
(J) For the purpose of providing and maintaining motor	24348
vehicles, communications, other equipment, buildings, and sites	24349
for such buildings used directly in the operation of a police	24350
department, or the payment of salaries of permanent police	24351
personnel, including the payment of the police officer employers'	24352
contribution required under section 742.33 of the Revised Code, or	24353
the payment of the costs incurred by townships as a result of	24354
contracts made with other political subdivisions in order to	24355
obtain police protection, or the provision of ambulance or	24356
emergency medical services operated by a police department;	24357
(K) For the maintenance and operation of a county home or	24358
detention facility;	24359
(L) For community mental retardation and developmental	24360
disabilities programs and services pursuant to Chapter 5126. of	24361
the Revised Code, except that the procedure for such levies shall	24362

be as provided in section 5705.222 of the Revised Code;	24363
(M) For regional planning;	24364
(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	24365 24366 24367 24368 24369
(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;	24370 24371 24372
(P) For maintaining and operating sewage disposal plants and facilities;	24373 24374
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	24375 24376 24377 24378 24379 24380 24381
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	24382 24383 24384 24385
(S) For the prevention, control, and abatement of air pollution;	24386 24387
(T) For maintaining and operating cemeteries;	24388
(U) For providing ambulance service, emergency medical service, or both;	24389 24390
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	24391 24392

(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	24393 24394 24395
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	24396 24397
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	24398 24399 24400
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	24401 24402 24403
(AA) For the maintenance and operation of a free public museum of art, science, or history;	24404 24405
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	24406 24407
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	24408 24409 24410 24411 24412
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	24413 24414 24415
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code;	24416 24417 24418 24419 24420
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or	24421 24422

any combination of the foregoing, a township airport, landing 24423
field, or other air navigation facility pursuant to section 505.15 24424
of the Revised Code; 24425

(GG) For the payment of costs incurred by a township as a 24426
result of a contract made with a county pursuant to section 24427
505.263 of the Revised Code in order to pay all or any part of the 24428
cost of constructing, maintaining, repairing, or operating a water 24429
supply improvement; 24430

(HH) For a board of township trustees to acquire, other than 24431
by appropriation, an ownership interest in land, water, or 24432
wetlands, or to restore or maintain land, water, or wetlands in 24433
which the board has an ownership interest, not for purposes of 24434
recreation, but for the purposes of protecting and preserving the 24435
natural, scenic, open, or wooded condition of the land, water, or 24436
wetlands against modification or encroachment resulting from 24437
occupation, development, or other use, which may be styled as 24438
protecting or preserving "greenspace" in the resolution, notice of 24439
election, or ballot form; 24440

(II) For the support by a county of a crime victim assistance 24441
program that is provided and maintained by a county agency or a 24442
private, nonprofit corporation or association under section 307.62 24443
of the Revised Code; 24444

(JJ) For any or all of the purposes set forth in divisions 24445
(I) and (J) of this section. This division applies only to a 24446
township. 24447

(KK) For a countywide public safety communications system 24448
under section 307.63 of the Revised Code. This division applies 24449
only to counties. 24450

(LL) For the support by a county of criminal justice services 24451
under section 307.45 of the Revised Code; 24452

(MM) For the purpose of maintaining and operating a jail or 24453
other detention facility as defined in section 2921.01 of the 24454
Revised Code; 24455

(NN) For purchasing, maintaining, or improving, or any 24456
combination of the foregoing, real estate on which to hold 24457
agricultural fairs. This division applies only to a county. 24458

(OO) For constructing, rehabilitating, repairing, or 24459
maintaining sidewalks, walkways, trails, bicycle pathways, or 24460
similar improvements, or acquiring ownership interests in land 24461
necessary for the foregoing improvements; 24462

(PP) For both of the purposes set forth in divisions (G) and 24463
(OO) of this section. 24464

(QQ) For both of the purposes set forth in divisions (H) and 24465
(HH) of this section. This division applies only to a township. 24466

(RR) For the legislative authority of a municipal 24467
corporation, board of county commissioners of a county, or board 24468
of township trustees of a township to acquire agricultural 24469
easements, as defined in section 5301.67 of the Revised Code, and 24470
to supervise and enforce the easements. 24471

(SS) For both of the purposes set forth in divisions (BB) and 24472
(KK) of this section. This division applies only to a county. 24473

(TT) For the maintenance and operation of a facility that is 24474
organized in whole or in part to promote the sciences and natural 24475
history under section 307.761 of the Revised Code. 24476

The resolution shall be confined to the purpose or purposes 24477
described in one division of this section, to which the revenue 24478
derived therefrom shall be applied. The existence in any other 24479
division of this section of authority to levy a tax for any part 24480
or all of the same purpose or purposes does not preclude the use 24481
of such revenues for any part of the purpose or purposes of the 24482

division under which the resolution is adopted. 24483

The resolution shall specify the amount of the increase in 24484
rate that it is necessary to levy, the purpose of that increase in 24485
rate, and the number of years during which the increase in rate 24486
shall be in effect, which may or may not include a levy upon the 24487
duplicate of the current year. The number of years may be any 24488
number not exceeding five, except as follows: 24489

(1) When the additional rate is for the payment of debt 24490
charges, the increased rate shall be for the life of the 24491
indebtedness. 24492

(2) When the additional rate is for any of the following, the 24493
increased rate shall be for a continuing period of time: 24494

(a) For the current expenses for a detention facility 24495
district, a district organized under section 2151.65 of the 24496
Revised Code, or a combined district organized under sections 24497
2151.65 and 2152.41 of the Revised Code; 24498

(b) For providing a county's share of the cost of maintaining 24499
and operating schools, district detention facilities, forestry 24500
camps, or other facilities, or any combination thereof, 24501
established under section 2151.65 or 2152.41 of the Revised Code 24502
or under both of those sections. 24503

(3) When the additional rate is for either of the following, 24504
the increased rate may be for a continuing period of time: 24505

(a) For the purposes set forth in division (I), (J), (U), or 24506
(KK) of this section; 24507

(b) For the maintenance and operation of a joint recreation 24508
district. 24509

(4) When the increase is for the purpose or purposes set 24510
forth in division (D), (G), (H), (CC), or (PP) of this section, 24511
the tax levy may be for any specified number of years or for a 24512

continuing period of time, as set forth in the resolution. 24513

(5) When the additional rate is for the purpose described in 24514
division (Z) of this section, the increased rate shall be for any 24515
number of years not exceeding ten. 24516

A levy for one of the purposes set forth in division (G), 24517
(I), (J), or (U) of this section may be reduced pursuant to 24518
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 24519
the purposes set forth in division (G), (I), (J), or (U) of this 24520
section may also be terminated or permanently reduced by the 24521
taxing authority if it adopts a resolution stating that the 24522
continuance of the levy is unnecessary and the levy shall be 24523
terminated or that the millage is excessive and the levy shall be 24524
decreased by a designated amount. 24525

A resolution of a detention facility district, a district 24526
organized under section 2151.65 of the Revised Code, or a combined 24527
district organized under both sections 2151.65 and 2152.41 of the 24528
Revised Code may include both current expenses and other purposes, 24529
provided that the resolution shall apportion the annual rate of 24530
levy between the current expenses and the other purpose or 24531
purposes. The apportionment need not be the same for each year of 24532
the levy, but the respective portions of the rate actually levied 24533
each year for the current expenses and the other purpose or 24534
purposes shall be limited by the apportionment. 24535

Whenever a board of county commissioners, acting either as 24536
the taxing authority of its county or as the taxing authority of a 24537
sewer district or subdistrict created under Chapter 6117. of the 24538
Revised Code, by resolution declares it necessary to levy a tax in 24539
excess of the ten-mill limitation for the purpose of constructing, 24540
improving, or extending sewage disposal plants or sewage systems, 24541
the tax may be in effect for any number of years not exceeding 24542
twenty, and the proceeds of the tax, notwithstanding the general 24543

provisions of this section, may be used to pay debt charges on any 24544
obligations issued and outstanding on behalf of the subdivision 24545
for the purposes enumerated in this paragraph, provided that any 24546
such obligations have been specifically described in the 24547
resolution. 24548

The resolution shall go into immediate effect upon its 24549
passage, and no publication of the resolution is necessary other 24550
than that provided for in the notice of election. 24551

When the electors of a subdivision have approved a tax levy 24552
under this section, the taxing authority of the subdivision may 24553
anticipate a fraction of the proceeds of the levy and issue 24554
anticipation notes in accordance with section 5705.191 or 5705.193 24555
of the Revised Code. 24556

Sec. 5705.195. Within five days after the resolution is 24557
certified to the county auditor as provided by section 5705.194 of 24558
the Revised Code, the auditor shall calculate and certify to the 24559
taxing authority the annual levy, expressed in dollars and cents 24560
for each one hundred dollars of valuation as well as in mills for 24561
each one dollar of valuation, throughout the life of the levy 24562
which will be required to produce the annual amount set forth in 24563
the resolution assuming that the amount of the tax list of such 24564
subdivision remains throughout the life of the levy the same as 24565
the amount of the tax list for the current year, and if this is 24566
not determined, the estimated amount submitted by the auditor to 24567
the county budget commission. ~~Thereupon~~ When considering the 24568
tangible personal property component of the tax valuation of the 24569
subdivision, the county auditor shall take into account the 24570
assessment percentages prescribed in section 5711.22 of the 24571
Revised Code. The tax commissioner may issue rules, orders, or 24572
instructions directing how the assessment percentages must be 24573
utilized. 24574

Upon receiving the certification from the county auditor, if 24575
the taxing authority desires to proceed with the submission of the 24576
question it shall, not less than seventy-five days before the day 24577
of such election, certify its resolution, together with the amount 24578
of the average tax levy, expressed in dollars and cents for each 24579
one hundred dollars of valuation as well as in mills for each one 24580
dollar of valuation, estimated by the auditor, and the number of 24581
years the levy is to run to the board of elections of the county 24582
which shall prepare the ballots and make other necessary 24583
arrangements for the submission of the question to the voters of 24584
the subdivision. 24585

Sec. 5705.211. (A) As used in this section: 24586

(1) "Adjusted charge-off increase" for a tax year means two 24587
and three-tenths per cent of the cumulative carryover property 24588
value increase. 24589

(2) "Cumulative carryover property value increase" means the 24590
sum of the increases in carryover value certified under division 24591
(B)(2) of section 3317.015 of the Revised Code and included in a 24592
school district's total taxable value in the computation of 24593
recognized valuation under division (B) of that section for all 24594
fiscal years from the fiscal year that ends in the first tax year 24595
a levy under this section is extended on the tax list of real and 24596
public utility property until and including the fiscal year that 24597
ends in the current tax year. 24598

(3) "Taxes charged and payable" means the taxes charged and 24599
payable from a tax levy extended on the real and public utility 24600
property tax list and the general list of personal property before 24601
any reduction under section 319.302, 323.152, or 323.158 of the 24602
Revised Code. 24603

(B) The board of education of a city, local, or exempted 24604

village school district may adopt a resolution proposing the levy 24605
of a tax in excess of the ten-mill limitation for the purpose of 24606
paying the current operating expenses of the district. If the 24607
resolution is approved as provided in division (D) of this 24608
section, the tax may be levied at such a rate each tax year that 24609
the total taxes charged and payable from the levy equals the 24610
adjusted charge-off increase for the tax year or equals a lesser 24611
amount as prescribed under division (C) of this section. The tax 24612
may be levied for a continuing period of time or for a specific 24613
number of years, but not fewer than five years, as provided in the 24614
resolution. The tax may not be placed on the tax list for a tax 24615
year beginning before the first day of January following adoption 24616
of the resolution. A board of education may not adopt a resolution 24617
under this section proposing to levy a tax under this section 24618
concurrently with any other tax levied by the board under this 24619
section. 24620

(C) After the first year a tax is levied under this section, 24621
the rate of the tax in any year shall not exceed the rate, 24622
estimated by the county auditor, that would cause the sums levied 24623
from the tax against carryover property to exceed one hundred four 24624
per cent of the sums levied from the tax against carryover 24625
property in the preceding year. A board of education imposing a 24626
tax under this section may specify in the resolution imposing the 24627
tax that the percentage shall be less than one hundred four per 24628
cent, but the percentage shall not be less than one hundred per 24629
cent. At any time after a resolution adopted under this section is 24630
approved by a majority of electors as provided in division (D) of 24631
this section, the board of education, by resolution, may decrease 24632
the percentage specified in the resolution levying the tax. 24633

(D) A resolution adopted under this section shall state that 24634
the purpose of the tax is to pay current operating expenses of the 24635
district, and shall specify the first year in which the tax is to 24636

be levied, the number of years the tax will be levied or that it 24637
will be levied for a continuing period of time, and the election 24638
at which the question of the tax is to appear on the ballot, which 24639
shall be a general or special election consistent with the 24640
requirements of section 3501.01 of the Revised Code. If the board 24641
of education specifies a percentage less than one hundred four per 24642
cent pursuant to division (C) of this section, the percentage 24643
shall be specified in the resolution. 24644

Upon adoption of the resolution, the board of education may 24645
certify a copy of the resolution to the proper county board of 24646
elections. The copy of the resolution shall be certified to the 24647
board of elections not later than seventy-five days before the day 24648
of the election at which the question of the tax is to appear on 24649
the ballot. Upon receiving a timely certified copy of such a 24650
resolution, the board of elections shall make the necessary 24651
arrangements for the submission of the question to the electors of 24652
the school district, and the election shall be conducted, 24653
canvassed, and certified in the same manner as regular elections 24654
in the school district for the election of members of the board of 24655
education. Notice of the election shall be published in one or 24656
more newspapers of general circulation in the school district once 24657
per week for four consecutive weeks. The notice shall state that 24658
the purpose of the tax is for the current operating expenses of 24659
the school district, the first year the tax is to be levied, the 24660
number of years the tax is to be levied or that it is to be levied 24661
for a continuing period of time, that the tax is to be levied each 24662
year in an amount estimated to offset decreases in state base cost 24663
funding caused by appreciation in real estate values, and that the 24664
estimated additional tax in any year shall not exceed the previous 24665
year's by more than four per cent, or a lesser percentage 24666
specified in the resolution levying the tax, except for increases 24667
caused by the addition of new taxable property. 24668

The question shall be submitted as a separate proposition but 24669
may be printed on the same ballot with any other proposition 24670
submitted at the same election other than the election of 24671
officers. 24672

The form of the ballot shall be substantially as follows: 24673

"An additional tax for the benefit of (name of school 24674
district) for the purpose of paying the current operating expenses 24675
of the district, for (number of years or for continuing 24676
period of time), at a rate sufficient to offset any reduction in 24677
basic state funding caused by appreciation in real estate values? 24678

	<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 24683
on the question vote in favor of the question, the board of 24684
elections shall certify the results of the election to the board 24685
of education and to the tax commissioner immediately after the 24686
canvass. 24687

(E) When preparing any estimate of the contemplated receipts 24688
from a tax levied pursuant to this section for the purposes of 24689
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 24690
to certify the tax under section 5705.34 of the Revised Code, a 24691
board of education authorized to levy such a tax shall use 24692
information supplied by the department of education to determine 24693
the adjusted charge-off increase for the tax year for which that 24694
certification is made. If the board levied a tax under this 24695
section in the preceding tax year, the sum to be certified for 24696
collection from the tax shall not exceed the sum that would exceed 24697
the limitation imposed under division (C) of this section. At the 24698
request of the board of education or the treasurer of the school 24699

district, the county auditor shall assist the board of education 24700
in determining the rate or sum that may be levied under this 24701
section. 24702

The board of education shall certify the sum authorized to be 24703
levied to the county auditor, and, for the purpose of the county 24704
auditor determining the rate at which the tax is to be levied in 24705
the tax year, the sum so certified shall be the sum to be raised 24706
by the tax unless the sum exceeds the limitation imposed by 24707
division (C) of this section. A tax levied pursuant to this 24708
section shall not be levied at a rate in excess of the rate 24709
estimated by the county auditor to produce the sum certified by 24710
the board of education before the reductions under sections 24711
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 24712
section 5705.34 of the Revised Code, a board of education 24713
authorized to levy a tax under this section shall certify the tax 24714
to the county auditor before the first day of October of the tax 24715
year in which the tax is to be levied, or at a later date as 24716
approved by the tax commissioner. 24717

Sec. 5705.34. When the budget commission has completed its 24718
work with respect to a tax budget or other information required to 24719
be provided under section 5705.281 of the Revised Code, it shall 24720
certify its action to the taxing authority, together with an 24721
estimate by the county auditor of the rate of each tax necessary 24722
to be levied by the taxing authority within its subdivision or 24723
taxing unit, and what part thereof is in excess of, and what part 24724
within, the ten-mill tax limitation. The certification shall also 24725
indicate the date on which each tax levied by the taxing authority 24726
will expire. 24727

If a taxing authority levies a tax for a fixed sum of money 24728
or to pay debt charges for the tax year for which the tax budget 24729
is prepared, and a payment on account of that tax is payable to 24730

the taxing authority for the tax year under section 5727.85 ~~or~~,
5727.86, 5751.21, or 5751.22 of the Revised Code, the county
auditor, when estimating the rate at which the tax shall be levied
in the current year, shall estimate the rate necessary to raise
the required sum less the estimated amount of any payments made
for the tax year to a taxing unit for fixed-sum levies under those
~~sections 5727.85 and 5727.86 of the Revised Code~~. The estimated
rate shall be the rate of the levy that the budget commission
certifies with its action under this section.

Each taxing authority, by ordinance or resolution, shall
authorize the necessary tax levies and certify them to the county
auditor before the first day of October in each year, or at such
later date as is approved by the tax commissioner, except that the
certification by a board of education shall be made by the first
day of April or at such later date as is approved by the
commissioner, and except that a township board of park
commissioners that is appointed by the board of township trustees
and oversees a township park district that contains only
unincorporated territory shall authorize only those taxes approved
by, and only at the rate approved by, the board of township
trustees as required by division (C) of section 511.27 of the
Revised Code. If the levying of a tax to be placed on the
duplicate of the current year is approved by the electors of the
subdivision under sections 5705.01 to 5705.47 of the Revised Code;
if the rate of a school district tax is increased due to the
repeal of a school district income tax and property tax rate
reduction at an election held pursuant to section 5748.04 of the
Revised Code; or if refunding bonds to refund all or a part of the
principal of bonds payable from a tax levy for the ensuing fiscal
year are issued or sold and in the process of delivery, the budget
commission shall reconsider and revise its action on the budget of
the subdivision or school library district for whose benefit the

tax is to be levied after the returns of such election are fully
canvassed, or after the issuance or sale of such refunding bonds
is certified to it. 24763
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Sec. 5709.08. (A)(1) Real or personal property belonging to 24766
the state or United States used exclusively for a public purpose, 24767
and public property used exclusively for a public purpose, shall 24768
be exempt from taxation. ~~Real~~ 24769

(2) For purposes of division (A)(1) of this section, real and 24770
personal property owned by the state, even when the property is 24771
leased or otherwise operated by a private party, and used as 24772
public service facilities described in section 1501.07 of the 24773
Revised Code, as concessions or other special projects described 24774
in division (F) of section 1531.06 of the Revised Code, as refuge 24775
harbors or marine recreational facilities described in section 24776
1547.72 of the Revised Code, or areas described in section 1503.03 24777
of the Revised Code, is hereby declared to be public property 24778
"used exclusively for a public purpose." 24779

(B) Real and personal property, when devoted to public use 24780
and not held for pecuniary profit, owned by an adjoining state or 24781
any political subdivision or agency of such adjoining state, which 24782
would be exempt from taxation if owned by the state of Ohio or a 24783
political subdivision or agency thereof, shall be exempt from 24784
taxation providing that such adjoining state exempts from taxation 24785
real and personal property devoted to public use and not held for 24786
pecuniary profit, owned by the state of Ohio or any political 24787
subdivision or agency thereof, which would be exempt from taxation 24788
if owned by the adjoining state or political subdivision or agency 24789
thereof. 24790

Sec. 5709.081. (A) Real and tangible personal property owned 24791
by a political subdivision that is a public recreational facility 24792

for athletic events shall be exempt from taxation if all of the 24793
following apply: 24794

(1) The property is controlled and managed by a political 24795
subdivision or a county-related corporation or by a similar 24796
corporation under the direct control of a political subdivision 24797
and whose members and trustees are chosen or appointed by the 24798
subdivision; 24799

(2) All revenues and receipts derived by the subdivision or 24800
corporation that controls and manages the property, after 24801
deducting amounts needed to pay necessary expenses for the 24802
operation and management of the property, accrue to the political 24803
subdivision owning the property; 24804

(3) The property is not occupied and used for more than seven 24805
days in any calendar month by any private entity for profit or for 24806
more than a total of fifteen days in any calendar month by all 24807
such private entities for profit; 24808

(4) The property is under the direction and control of the 24809
political subdivision or managing corporation whenever it is being 24810
used by a private entity for profit; 24811

(5) The primary user or users of the property, if such a 24812
primary user exists, are controlled and managed by the political 24813
subdivision or corporation that controls and manages the property. 24814

(B) Tangible personal property, and all buildings, 24815
structures, fixtures, and improvements, ~~and fixtures~~ of any kind 24816
~~en~~ to the land, that are constructed or, in the case of personal 24817
property, acquired after March 2, 1992, and are part of or used in 24818
a public recreational facility used by a major league professional 24819
athletic team or a class A to class AAA minor league affiliate of 24820
a major league baseball team for a significant portion of its home 24821
schedule, and land acquired by a political subdivision in 1999 for 24822
such purposes or originally leased from a political subdivision, 24823

such political subdivision qualifying as such pursuant to division 24824
(G) of this section, in 1998 for such purposes, are declared to be 24825
public property used for a public purpose and are exempt from 24826
taxation, if all of the following apply: 24827

(1) Such property, or the land upon which such property is 24828
located if such land was originally leased in 1998 from a 24829
political subdivision that qualifies as such pursuant to division 24830
(G) of this section, is owned by one or more political 24831
subdivisions or by a corporation controlled by such subdivisions; 24832

(2) Such property was or is any of the following: 24833

(a) Constructed or, in the case of personal property, 24834
acquired pursuant to an agreement with a municipal corporation to 24835
implement a development, redevelopment, or renewal plan for an 24836
area declared by the municipal corporation to be a slum or 24837
blighted area, as those terms are defined in section 725.01 of the 24838
Revised Code; 24839

(b) Financed in whole or in part with public obligations as 24840
defined in section 5709.76 of the Revised Code or otherwise paid 24841
for in whole or in part by one or more political subdivisions; 24842

(c) An improvement or addition to property defined in 24843
division (B)(2)(a) or (b) of this section. 24844

(3) Such property is controlled and managed by either of the 24845
following: 24846

(a) One or more of the political subdivisions or the 24847
corporation that owns it; 24848

(b) A designee, tenant, or agent of such political 24849
subdivision or subdivisions or corporation pursuant to a 24850
management, lease, or similar written agreement. 24851

(4) The primary user or users of such property, if a primary 24852
user or primary users exist, either: 24853

(a) Are controlled and managed by one or more of the 24854
political subdivisions or the corporation that owns the property; 24855
or 24856

(b) Operate under leases, licenses, management agreements, or 24857
similar arrangements with, and providing for the payment of rents, 24858
revenues, or other remuneration to, one or more of the political 24859
subdivisions or the corporation that owns the property. 24860

(5) Any residual cash accrues to the political subdivision or 24861
subdivisions that own the property or that control the corporation 24862
that owns the property, and is used for the public purposes of the 24863
subdivision or subdivisions. As used in division (B)(5) of this 24864
section, "residual cash" means any revenue and receipts derived 24865
from the property by the political subdivision or subdivisions or 24866
corporation that owns the property and that are available for 24867
unencumbered use by the political subdivision or subdivisions or 24868
corporation, after deducting amounts needed to make necessary 24869
expenditures, pay debt service, and provide for working capital 24870
related to the ownership, management, operation, and use of the 24871
property, including payments of taxes on the taxable part of the 24872
public recreational facility, contractually obligated payments or 24873
deposits into reserves or otherwise, and service payments under 24874
section 307.699 of the Revised Code. 24875

(C) The exemption provided in division (B) of this section 24876
also applies to both of the following: 24877

(1) The property during its construction or, in the case of 24878
tangible personal property, acquisition during the construction 24879
period, if the owner meets the condition of division (B)(1) of 24880
this section and has agreements that provide for the satisfaction 24881
of all other conditions of division (B) of this section upon the 24882
completion of the construction; 24883

(2) Any improvement or addition made after March 2, 1992, to 24884

a public recreational facility that was constructed before March 2, 1992, as long as all other conditions in division (B) of this section are met. 24885
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(D) A corporation that owns property exempt from taxation under division (B) of this section is a public body for the purposes of section 121.22 of the Revised Code. The corporation's records are public records for the purposes of section 149.43 of the Revised Code, except records related to matters set forth in division (G) of section 121.22 of the Revised Code and records related to negotiations that are not yet completed for financing, leases, or other agreements. 24888
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(E) The exemption under division (B) of this section applies to property that is owned by the political subdivision or subdivisions or the corporation that owns the public recreational facility. Tangible personal property owned by users, managers, or lessees of the facility is taxable when used in the public recreational facility. 24896
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(F) Nothing in this section or in any other section of the Revised Code prohibits or otherwise precludes an agreement between a political subdivision, or a corporation controlled by a political subdivision, that owns or operates a public recreational facility that is exempted from taxation under division (A) or (B) of this section and the board of education of a school district or the legislative authority of a municipal corporation, or both, in which all or a part of that facility is located, providing for payments to the school district or municipal corporation, or both, in lieu of taxes that otherwise would be charged against real and tangible personal property exempted from taxation under this section, for a period of time and under such terms and conditions as the legislative authority of the political subdivision and the board of education or municipal legislative authority, or both, may agree, which agreements are hereby specifically authorized. 24902
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(G) As used in this section, "political subdivision" includes the state or an agency of the state if the city, local, or exempted village school district in which the property is situated expressly consents to exempting the property from taxation.

Sec. 5709.40. (A) As used in this section: 24921

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code. 24922
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(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code. 24924
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(3) "Housing renovation" means a project carried out for residential purposes. 24927
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(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and 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. 24929
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(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: 24934
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(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; 24938
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(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 24944
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rate of unemployment for this state for the same period. 24947

(c) At least twenty per cent of the people residing in the 24948
district live at or below the poverty level as defined in the 24949
federal Housing and Community Development Act of 1974, 42 U.S.C. 24950
5301, as amended, and regulations adopted pursuant to that act. 24951

(d) The district is a blighted area. 24952

(e) The district is in a situational distress area as 24953
designated by the director of development under division (F) of 24954
section 122.23 of the Revised Code. 24955

(f) As certified by the engineer for the political 24956
subdivision, the public infrastructure serving the district is 24957
inadequate to meet the development needs of the district as 24958
evidenced by a written economic development plan or urban renewal 24959
plan for the district that has been adopted by the legislative 24960
authority of the subdivision. 24961

(g) The district is comprised entirely of unimproved land 24962
that is located in a distressed area as defined in section 122.23 24963
of the Revised Code. 24964

(6) "Project" means development activities undertaken on one 24965
or more parcels, including, but not limited to, construction, 24966
expansion, and alteration of buildings or structures, demolition, 24967
remediation, and site development, and any building or structure 24968
that results from those activities. 24969

(7) "Public infrastructure improvement" includes, but is not 24970
limited to, public roads and highways; water and sewer lines; 24971
environmental remediation; land acquisition, including acquisition 24972
in aid of industry, commerce, distribution, or research; 24973
demolition, including demolition on private property when 24974
determined to be necessary for economic development purposes; 24975
stormwater and flood remediation projects, including such projects 24976

on private property when determined to be necessary for public 24977
health, safety, and welfare; the provision of gas, electric, and 24978
communications service facilities; and the enhancement of public 24979
waterways through improvements that allow for greater public 24980
access. ~~"Public infrastructure improvement" does not include~~ 24981
~~police or fire equipment.~~ 24982

(B) The legislative authority of a municipal corporation, by 24983
ordinance, may declare improvements to certain parcels of real 24984
property located in the municipal corporation to be a public 24985
purpose. Improvements with respect to a parcel that is used or to 24986
be used for residential purposes may be declared a public purpose 24987
under this division only if the parcel is located in a blighted 24988
area of an impacted city. ~~Except as otherwise provided in~~ with the 24989
approval under division (D) of this section of the board of 24990
education of each city, local, or exempted village school district 24991
within which the improvements are located, not more than 24992
seventy-five per cent of an improvement thus declared to be a 24993
public purpose may be exempted from real property taxation for a 24994
period of not more than ten years. The ordinance shall specify the 24995
percentage of the improvement to be exempted from taxation and the 24996
life of the exemption. 24997

An ordinance adopted or amended under this division shall 24998
designate the specific public infrastructure improvements made, to 24999
be made, or in the process of being made by the municipal 25000
corporation that directly benefit, or that once made will directly 25001
benefit, the parcels for which improvements are declared to be a 25002
public purpose. The service payments provided for in section 25003
5709.42 of the Revised Code shall be used to finance the public 25004
infrastructure improvements designated in the ordinance ~~or~~, for 25005
the purpose described in division (D)(1) of this section or as 25006
provided in section 5709.43 of the Revised Code. 25007

(C)(1) The legislative authority of a municipal corporation 25008

may adopt an ordinance creating an incentive district and 25009
declaring improvements to parcels within the district to be a 25010
public purpose and, except as provided in division (F) of this 25011
section, exempt from taxation as provided in this section, but no 25012
legislative authority of a municipal corporation that has a 25013
population that exceeds twenty-five thousand, as shown by the most 25014
recent federal decennial census, shall adopt an ordinance that 25015
creates an incentive district if, ~~as a result of adopting the~~ 25016
~~ordinance, more than~~ the sum of the taxable value of real property 25017
in the proposed district for the preceding tax year and the 25018
taxable value of all real property in the municipal corporation 25019
that would have been taxable in the preceding year were it not for 25020
the fact that the property was in an existing incentive district 25021
and therefore exempt from taxation exceeds twenty-five per cent of 25022
the ~~municipal corporation's taxable value, as of the first day of~~ 25023
~~January of the year in which the ordinance takes effect, is~~ 25024
~~subject to an exemption because of an incentive district. The~~ 25025
~~twenty five per cent limitation does not apply to an incentive~~ 25026
~~district that was created by an ordinance adopted prior to January~~ 25027
~~1, 2006, unless the legislative authority creates an additional~~ 25028
~~incentive district after that date~~ taxable value of real property 25029
in the municipal corporation for the preceding tax year. The 25030
ordinance shall delineate the boundary of the district and 25031
specifically identify each parcel within the district. A district 25032
may not include any parcel that is or has been exempted from 25033
taxation under division (B) of this section or that is or has been 25034
within another district created under this division. An ordinance 25035
may create more than one such district, and more than one 25036
ordinance may be adopted under division (C)(1) of this section. 25037

(2) Not later than thirty days prior to adopting an ordinance 25038
under division (C)(1) of this section, if the municipal 25039
corporation intends to apply for exemptions from taxation under 25040

section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of a municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance 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 ordinance.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive 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 ordinance 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 ordinance. 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. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements ~~or~~, for the purpose described in division (D)(1) or (E) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance 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 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance 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. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(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 25105
be exempted, and indicate the date on which the legislative 25106
authority intends to adopt the ordinance. 25107~~

(D)(1) If the ordinance declaring improvements to a parcel to 25108
be a public purpose or creating an incentive district specifies 25109
that payments in lieu of taxes provided for in section 5709.42 of 25110
the Revised Code shall be paid to the city, local, or exempted 25111
village school district in which the parcel or incentive district 25112
is located in the amount of the taxes that would have been payable 25113
to the school district if the improvements had not been exempted 25114
from taxation, the percentage of the improvement that may be 25115
exempted from taxation may exceed seventy-five per cent, and the 25116
exemption may be granted for up to thirty years, without the 25117
approval of the board of education as otherwise required under 25118
division (D)(2) of this section. 25119

(2) Improvements with respect to a parcel may be exempted 25120
from taxation under division (B) of this section, and improvements 25121
to parcels within an incentive district may be exempted from 25122
taxation under division (C) of this section, for up to ten years 25123
or, with the approval under this paragraph of the board of 25124
education of the city, local, or exempted village school district 25125
within which the parcel or district is located, for up to thirty 25126
years. The percentage of the improvement exempted from taxation 25127
may, with such approval, exceed seventy-five per cent, but shall 25128
not exceed one hundred per cent. Not later than forty-five 25129
business days prior to adopting an ordinance under this section 25130
declaring improvements to be a public purpose that is subject to 25131
approval by a board of education under this division, the 25132
legislative authority shall deliver to the board of education a 25133
notice stating its intent to adopt an ordinance making that 25134
declaration. The notice regarding improvements with respect to a 25135
parcel under division (B) of this section shall identify the 25136

parcels for which improvements are to be exempted from taxation, 25137
provide an estimate of the true value in money of the 25138
improvements, specify the period for which the improvements would 25139
be exempted from taxation and the percentage of the improvement 25140
that would be exempted, and indicate the date on which the 25141
legislative authority intends to adopt the ordinance. The notice 25142
regarding improvements to parcels within an incentive district 25143
under division (C) of this section shall delineate the boundaries 25144
of the district, specifically identify each parcel within the 25145
district, identify each anticipated improvement in the district, 25146
provide an estimate of the true value in money of each such 25147
improvement, specify the life of the district and the percentage 25148
of improvements that would be exempted, and indicate the date on 25149
which the legislative authority intends to adopt the ordinance. 25150
The board of education, by resolution adopted by a majority of the 25151
board, may approve the exemption for the period or for the 25152
exemption percentage specified in the notice; i may disapprove the 25153
exemption for the number of years in excess of ten, may disapprove 25154
the exemption for the percentage of the improvement to be exempted 25155
in excess of seventy-five per cent, or both; i or may approve the 25156
exemption on the condition that the legislative authority and the 25157
board negotiate an agreement providing for compensation to the 25158
school district equal in value to a percentage of the amount of 25159
taxes exempted in the eleventh and subsequent years of the 25160
exemption period or, in the case of exemption percentages in 25161
excess of seventy-five per cent, compensation equal in value to a 25162
percentage of the taxes that would be payable on the portion of 25163
the improvement in excess of seventy-five per cent were that 25164
portion to be subject to taxation, or other mutually agreeable 25165
compensation. ~~The~~ 25166

(3) The board of education shall certify its resolution to 25167
the legislative authority not later than fourteen days prior to 25168
the date the legislative authority intends to adopt the ordinance 25169

as indicated in the notice. If the board of education and the 25170
legislative authority negotiate a mutually acceptable compensation 25171
agreement, the ordinance may declare the improvements a public 25172
purpose for the number of years specified in the ordinance or, in 25173
the case of exemption percentages in excess of seventy-five per 25174
cent, for the exemption percentage specified in the ordinance. In 25175
either case, if the board and the legislative authority fail to 25176
negotiate a mutually acceptable compensation agreement, the 25177
ordinance may declare the improvements a public purpose for not 25178
more than ten years, ~~but~~ and shall not exempt more than 25179
seventy-five per cent of the improvements from taxation. If the 25180
board fails to certify a resolution to the legislative authority 25181
within the time prescribed by this division, the legislative 25182
authority thereupon may adopt the ordinance and may declare the 25183
improvements a public purpose for up to thirty years, or, in the 25184
case of exemption percentages proposed in excess of seventy-five 25185
per cent, for the exemption percentage specified in the ordinance. 25186
The legislative authority may adopt the ordinance at any time 25187
after the board of education certifies its resolution approving 25188
the exemption to the legislative authority, or, if the board 25189
approves the exemption on the condition that a mutually acceptable 25190
compensation agreement be negotiated, at any time after the 25191
compensation agreement is agreed to by the board and the 25192
legislative authority. 25193

~~(3)~~(4) If a board of education has adopted a resolution 25194
waiving its right to approve exemptions from taxation under this 25195
section and the resolution remains in effect, approval of 25196
exemptions by the board is not required under ~~this~~ division (D) of 25197
this section. If a board of education has adopted a resolution 25198
allowing a legislative authority to deliver the notice required 25199
under division (D)~~(2)~~ of this section fewer than forty-five 25200
business days prior to the legislative authority's adoption of the 25201
ordinance, the legislative authority shall deliver the notice to 25202

the board not later than the number of days prior to such adoption 25203
as prescribed by the board in its resolution. If a board of 25204
education adopts a resolution waiving its right to approve 25205
agreements or shortening the notification period, the board shall 25206
certify a copy of the resolution to the legislative authority. If 25207
the board of education rescinds such a resolution, it shall 25208
certify notice of the rescission to the legislative authority. 25209

~~(4)~~(5) If the legislative authority is not required by 25210
division (D)~~(1), (2), or (3)~~ of this section to notify the board 25211
of education of the legislative authority's intent to declare 25212
improvements to be a public purpose, the legislative authority 25213
shall comply with the notice requirements imposed under section 25214
5709.83 of the Revised Code, unless the board has adopted a 25215
resolution under that section waiving its right to receive such a 25216
notice. 25217

(E)(1) If a proposed ordinance under division (C)(1) of this 25218
section exempts improvements with respect to a parcel within an 25219
incentive district for more than ten years, or the percentage of 25220
the improvement exempted from taxation exceeds seventy-five per 25221
cent, not later than forty-five business days prior to adopting 25222
the ordinance the legislative authority of the municipal 25223
corporation shall deliver to the board of county commissioners of 25224
the county within which the incentive district ~~is or~~ will be 25225
located a notice that states its intent to adopt an ordinance 25226
creating an incentive district. The notice shall include a copy of 25227
the proposed ordinance, identify the parcels for which 25228
improvements are to be exempted from taxation, provide an estimate 25229
of the true value in money of the improvements, specify the period 25230
of time for which the improvements would be exempted from 25231
taxation, specify the percentage of the improvements that would be 25232
exempted from taxation, and indicate the date on which the 25233
legislative authority intends to adopt the ordinance. 25234

(2) The board of county commissioners, by resolution adopted 25235
by a majority of the board, may object to the exemption for the 25236
number of years in excess of ten, may object to the exemption for 25237
the percentage of the improvement to be exempted in excess of 25238
seventy-five per cent, or both, ~~or may accept either or both~~ 25239
~~exemptions~~. If the board of county commissioners objects, the 25240
board may negotiate ~~an~~ a mutually acceptable compensation 25241
agreement with the legislative authority ~~that provides~~. In no case 25242
shall the compensation provided to the board exceed the property 25243
taxes foregone due to the exemption. If the board of county 25244
commissioners objects, and the board and legislative authority 25245
fail to negotiate a mutually acceptable compensation agreement, 25246
the ordinance adopted under division (C)(1) of this section shall 25247
provide to the board compensation in the eleventh and subsequent 25248
years of the exemption period ~~compensation~~ equal in value to not 25249
more than fifty per cent of the taxes that would be payable to the 25250
county or, if the board's objection includes an objection to an 25251
exemption percentage in excess of seventy-five per cent, 25252
compensation equal in value to not more than fifty per cent of the 25253
taxes that would be payable to the county, on the portion of the 25254
improvement in excess of seventy-five per cent, were that portion 25255
to be subject to taxation. The board of county commissioners shall 25256
certify its resolution to the legislative authority not later than 25257
thirty days after receipt of the notice. 25258

(3) If the board of county commissioners does not object or 25259
fails to certify its resolution objecting to an exemption within 25260
thirty days after receipt of the notice, the legislative authority 25261
may adopt the ordinance, and no compensation shall be provided to 25262
the board of county commissioners. If the board timely certifies 25263
its resolution objecting to the ordinance, the legislative 25264
authority may adopt the ordinance at any time after ~~the~~ a mutually 25265
acceptable compensation agreement is agreed to by the board and 25266

the legislative authority, or, if no compensation agreement is 25267
negotiated, at any time after the legislative authority agrees in 25268
the proposed ordinance to provide compensation to the board of 25269
fifty per cent of the taxes that would be payable to the county in 25270
the eleventh and subsequent years of the exemption period or on 25271
the portion of the improvement in excess of seventy-five per cent, 25272
were that portion to be subject to taxation. 25273

(F) ~~Any of the following property tax levies that are enacted~~ 25274
Service payments in lieu of taxes that are attributable to any 25275
amount by which the effective tax rate of either a renewal levy 25276
with an increase or a replacement levy exceeds the effective tax 25277
rate of the levy renewed or replaced, or that are attributable to 25278
an additional levy, for a levy authorized by the voters for any of 25279
the following purposes on or after January 1, 2006, and ~~after the~~ 25280
~~date~~ which are provided pursuant to an ordinance creating an 25281
incentive district under division (C)(1) of this section that is 25282
adopted on or after January 1, 2006, ~~under division (C)(1) of this~~ 25283
~~section shall be levied on property that was exempted from~~ 25284
~~taxation~~ distributed by the municipal corporation, within 25285
forty-five days after the settlement required under division (A) 25286
or (C) of section 321.24 of the Revised Code, to the appropriate 25287
taxing authority in an amount equal to the amount of taxes that 25288
would have been payable to that taxing authority from the 25289
following levies were it not for the exemption authorized under 25290
division (C) of this section, ~~and revenues collected from such~~ 25291
~~levies shall not be used to provide service payments under this~~ 25292
~~section:~~ 25293

(1) A tax levied under division (L) of section 5705.19 or 25294
section 5705.191 of the Revised Code for community mental 25295
retardation and developmental disabilities programs and services 25296
pursuant to Chapter 5126. of the Revised Code; 25297

(2) A tax levied under division (Y) of section 5705.19 of the 25298

Revised Code for providing or maintaining senior citizens services	25299
or facilities;	25300
(3) A tax levied under section 5705.22 of the Revised Code	25301
for county hospitals;	25302
(4) A tax levied <u>by a joint-county district or by a county</u>	25303
under section <u>5705.19, 5705.191, or 5705.221</u> of the Revised Code	25304
for alcohol, drug addiction, and mental health services;	25305
(5) A tax levied under section 5705.23 of the Revised Code	25306
for library purposes;	25307
(6) A tax levied under section 5705.24 of the Revised Code	25308
for the support of children services and the placement and care of	25309
children;	25310
(7) <u>A tax levied under division (Z) of section 5705.19 of the</u>	25311
<u>Revised Code for the provision and maintenance of zoological park</u>	25312
<u>services and facilities under section 307.76 of the Revised Code;</u>	25313
(8) <u>A tax levied under section 511.27 or division (H) of</u>	25314
<u>section 5705.19 of the Revised Code for the support of township</u>	25315
<u>park districts;</u>	25316
(9) <u>A tax levied under division (A), (F), or (H) of section</u>	25317
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	25318
<u>a joint recreation district organized pursuant to division (B) of</u>	25319
<u>section 755.14 of the Revised Code;</u>	25320
(10) <u>A tax levied under section 1545.20 or 1545.21 of the</u>	25321
<u>Revised Code for park district purposes;</u>	25322
(11) <u>A tax levied under section 5705.191 of the Revised Code</u>	25323
<u>for the purpose of making appropriations for public assistance;</u>	25324
<u>human or social services; public relief; public welfare; public</u>	25325
<u>health and hospitalization; and support of general hospitals;</u>	25326
(12) <u>A tax levied under section 3709.29 of the Revised Code</u>	25327
<u>for a general health district program.</u>	25328

(G) An exemption from taxation granted under this section 25329
commences with the tax year specified in the ordinance so long as 25330
the year specified in the ordinance commences after the effective 25331
date of the ordinance. If the ordinance specifies a year 25332
commencing before the effective date of the resolution or 25333
specifies no year whatsoever, the exemption commences with the tax 25334
year in which an exempted improvement first appears on the tax 25335
list and duplicate of real and public utility property and that 25336
commences after the effective date of the ordinance. Except as 25337
otherwise provided in this division, the exemption ends on the 25338
date specified in the ordinance as the date the improvement ceases 25339
to be a public purpose or the incentive district expires, or ends 25340
on the date on which the public infrastructure improvements and 25341
housing renovations are paid in full from the municipal public 25342
improvement tax increment equivalent fund established under 25343
division (A) of section 5709.43 of the Revised Code, whichever 25344
occurs first. The exemption of an improvement with respect to a 25345
parcel or within an incentive district may end on a later date, as 25346
specified in the ordinance, if the legislative authority and the 25347
board of education of the city, local, or exempted village school 25348
district within which the parcel or district is located have 25349
entered into a compensation agreement under section 5709.82 of the 25350
Revised Code with respect to the improvement ~~or district~~, and the 25351
board of education has approved the term of the exemption under 25352
division (D)(2) of this section, but in no case shall the 25353
improvement be exempted from taxation for more than thirty years. 25354
Exemptions shall be claimed and allowed in the same manner as in 25355
the case of other real property exemptions. If an exemption status 25356
changes during a year, the procedure for the apportionment of the 25357
taxes for that year is the same as in the case of other changes in 25358
tax exemption status during the year. 25359

(H) Additional municipal financing of public infrastructure 25360

improvements and housing renovations may be provided by any 25361
methods that the municipal corporation may otherwise use for 25362
financing such improvements or renovations. If the municipal 25363
corporation issues bonds or notes to finance the public 25364
infrastructure improvements and housing renovations and pledges 25365
money from the municipal public improvement tax increment 25366
equivalent fund to pay the interest on and principal of the bonds 25367
or notes, the bonds or notes are not subject to Chapter 133. of 25368
the Revised Code. 25369

(I) The municipal corporation, not later than fifteen days 25370
after the adoption of an ordinance under this section, shall 25371
submit to the director of development a copy of the ordinance. On 25372
or before the thirty-first day of March of each year, the 25373
municipal corporation shall submit a status report to the director 25374
of development. The report shall indicate, in the manner 25375
prescribed by the director, the progress of the project during 25376
each year that an exemption remains in effect, including a summary 25377
of the receipts from service payments in lieu of taxes; 25378
expenditures of money from the funds created under section 5709.43 25379
of the Revised Code; a description of the public infrastructure 25380
improvements and housing renovations financed with such 25381
expenditures; and a quantitative summary of changes in employment 25382
and private investment resulting from each project. 25383

(J) Nothing in this section shall be construed to prohibit a 25384
legislative authority from declaring to be a public purpose 25385
improvements with respect to more than one parcel. 25386

Sec. 5709.42. (A) A municipal corporation that has declared 25387
an improvement to be a public purpose under section 5709.40 or 25388
5709.41 of the Revised Code may require the owner of any structure 25389
located on the parcel to make annual service payments in lieu of 25390
taxes to the county treasurer on or before the final dates for 25391

payment of real property taxes. Each such payment shall be charged 25392
and collected in the same manner and in the same amount as the 25393
real property taxes that would have been charged and payable 25394
against the improvement if it were not exempt from taxation. If 25395
any reduction in the levies otherwise applicable to such exempt 25396
property is made by the county budget commission under section 25397
5705.31 of the Revised Code, the amount of the service payment in 25398
lieu of taxes shall be calculated as if such reduction in levies 25399
had not been made. 25400

(B) Moneys collected as service payments in lieu of taxes 25401
shall be distributed at the same time and in the same manner as 25402
real property tax payments. However, subject to section 5709.913 25403
of the Revised Code, the entire amount so collected shall be 25404
distributed to the municipal corporation in which the improvement 25405
is located. If an ordinance adopted under section 5709.40 or 25406
5709.41 of the Revised Code specifies that service payments shall 25407
be paid to the city, local, or exempted village school district in 25408
which the improvements are located, the county treasurer shall 25409
distribute the portion of the service payments to that school 25410
district in an amount equal to the property tax payments the 25411
school district would have received from the portion of the 25412
improvements exempted from taxation had the improvements not been 25413
exempted, as directed in the ordinance. The treasurer shall 25414
maintain a record of the service payments in lieu of taxes made 25415
from property in each municipal corporation. 25416

(C) If annual service payments in lieu of taxes are required 25417
under this section, the county treasurer shall distribute to the 25418
appropriate taxing authorities the portion of the service payments 25419
that represents compensation payments required under division (F) 25420
of section 5709.40 of the Revised Code. 25421

(D) Nothing in this section or section 5709.40 or 5709.41 of 25422
the Revised Code affects the taxes levied against that portion of 25423

the value of any parcel of property that is not exempt from 25424
taxation. 25425

Sec. 5709.43. (A) A municipal corporation that grants a tax 25426
exemption under section 5709.40 of the Revised Code shall 25427
establish a municipal public improvement tax increment equivalent 25428
fund into which shall be deposited service payments in lieu of 25429
taxes distributed to the municipal corporation under section 25430
5709.42 of the Revised Code. If the legislative authority of the 25431
municipal corporation has adopted an ordinance under division (C) 25432
of section 5709.40 of the Revised Code, the municipal corporation 25433
shall establish at least one account in that fund with respect to 25434
ordinances adopted under division (B) of that section, and one 25435
account with respect to each incentive district created in an 25436
ordinance adopted under division (C) of that section. If an 25437
ordinance adopted under division (C) of section 5709.40 of the 25438
Revised Code also authorizes the use of service payments for 25439
housing renovations within the district, the municipal corporation 25440
shall establish separate accounts for the service payments 25441
designated for public infrastructure improvements and for the 25442
service payments authorized for the purpose of housing 25443
renovations. Money in an account of the municipal public 25444
improvement tax increment equivalent fund shall be used to finance 25445
the public infrastructure improvements designated in, or the 25446
housing renovations authorized by, the ordinance with respect to 25447
which the account is established; in the case of an account 25448
established with respect to an ordinance adopted under division 25449
(C) of that section, money in the account shall be used to finance 25450
the public infrastructure improvements designated, or the housing 25451
renovations authorized, for each incentive district created in the 25452
ordinance. Money in an account shall not be used to finance or 25453
support housing renovations that take place after the incentive 25454
district has expired. The municipal corporation also may deposit 25455

into any of those accounts municipal income tax revenue that has 25456
been designated by ordinance to finance the public infrastructure 25457
improvements and housing renovations. 25458

(B) A municipal corporation may establish an urban 25459
redevelopment tax increment equivalent fund, by resolution or 25460
ordinance of its legislative authority, into which shall be 25461
deposited service payments in lieu of taxes distributed to the 25462
municipal corporation by the county treasurer as provided in 25463
section 5709.42 of the Revised Code for improvements exempt from 25464
taxation pursuant to an ordinance adopted under section 5709.41 of 25465
the Revised Code. Moneys deposited in the urban redevelopment tax 25466
increment equivalent fund shall be used for such purposes as are 25467
authorized in the resolution or ordinance establishing the fund. 25468
The municipal corporation also may deposit into the urban 25469
redevelopment tax increment equivalent fund municipal income tax 25470
revenue that has been dedicated to fund any of the purposes for 25471
which the fund is established. 25472

(C)(1)(a) A municipal corporation ~~also~~ may distribute money 25473
in the municipal public improvement tax increment equivalent fund 25474
or the urban redevelopment tax increment equivalent fund to any 25475
school district in which the exempt property is located, in an 25476
amount not to exceed the amount of real property taxes that such 25477
school district would have received from the improvement if it 25478
were not exempt from taxation, or use money in either or both 25479
funds to finance specific public improvements benefiting the 25480
school district. The resolution or ordinance establishing the fund 25481
shall set forth the percentage of such maximum amount that will be 25482
distributed to any affected school district or used to finance 25483
specific public improvements benefiting the school district. 25484

(b) A municipal corporation also may distribute money in the 25485
municipal public improvement tax increment equivalent fund or the 25486
urban redevelopment tax increment equivalent fund as follows: 25487

(i) To a board of county commissioners, in the amount that is owed to the board pursuant to division (E) of section 5709.40 of the Revised Code; 25488
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(ii) To a county in accordance with section 5709.913 of the Revised Code. 25491
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(2) Money from an account in a municipal public improvement tax increment equivalent fund or from an urban redevelopment tax increment equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution or an ordinance was adopted under section 5709.40 or 5709.41 of the Revised Code that prompted the establishment of the account or the establishment of the urban redevelopment tax increment equivalent fund, even if the resolution or ordinance was adopted prior to the effective date of this amendment. 25493
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(D) Any incidental surplus remaining in the municipal public improvement tax increment equivalent fund or an account of that fund, or in the urban redevelopment tax increment equivalent fund, upon dissolution of the account or fund shall be transferred to the general fund of the municipal corporation. 25502
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Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code: 25507
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(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 25509
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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, 25512
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"improvements" do not include any property used or to be used for residential purposes. 25518
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(3) "Housing renovation" means a project carried out for residential purposes. 25520
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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. 25522
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(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 25525
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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~~ with the approval under division (D) of this section of the board of education of each city, local, or exempted village school district within which the improvements are located, 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, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 25527
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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 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 25541
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incentive district if, ~~as a result of adopting the resolution,~~ 25549
~~more than the sum of the taxable value of real property in the~~ 25550
~~proposed district for the preceding tax year and the taxable value~~ 25551
~~of all real property in the township that would have been taxable~~ 25552
~~in the preceding year were it not for the fact that the property~~ 25553
~~was in an existing incentive district and therefore exempt from~~ 25554
~~taxation exceeds~~ twenty-five per cent of the ~~township's taxable~~ 25555
~~value, as of the first day of January of the year in which the~~ 25556
~~resolution takes effect, is subject to exemption because of an~~ 25557
~~incentive district. The twenty five per cent limitation does not~~ 25558
~~apply to an incentive district that was created by a resolution~~ 25559
~~adopted prior to January 1, 2006, unless the board creates an~~ 25560
~~additional incentive district after that date~~ taxable value of 25561
real property in the township for the preceding tax year. The 25562
district shall be located within the unincorporated area of the 25563
township and shall not include any territory that is included 25564
within a district created under division (B) of section 5709.78 of 25565
the Revised Code. The resolution shall delineate the boundary of 25566
the district and specifically identify each parcel within the 25567
district. A district may not include any parcel that is or has 25568
been exempted from taxation under division (B) of this section or 25569
that is or has been within another district created under this 25570
division. A resolution may create more than one district, and more 25571
than one resolution may be adopted under division (C)(1) of this 25572
section. 25573

(2) Not later than thirty days prior to adopting a resolution 25574
under division (C)(1) of this section, if the township intends to 25575
apply for exemptions from taxation under section 5709.911 of the 25576
Revised Code on behalf of owners of real property located within 25577
the proposed incentive district, the board shall conduct a public 25578
hearing on the proposed resolution. Not later than thirty days 25579
prior to the public hearing, the board shall give notice of the 25580

public hearing and the proposed resolution by first class mail to 25581
every real property owner whose property is located within the 25582
boundaries of the proposed incentive district that is the subject 25583
of the proposed resolution. 25584

(3)(a) A resolution adopted under division (C)(1) of this 25585
section shall specify the life of the incentive district and the 25586
percentage of the improvements to be exempted, shall designate the 25587
public infrastructure improvements made, to be made, or in the 25588
process of being made, that benefit or serve, or, once made, will 25589
benefit or serve parcels in the district. The resolution also 25590
shall identify one or more specific projects being, or to be, 25591
undertaken in the district that place additional demand on the 25592
public infrastructure improvements designated in the resolution. 25593
The project identified may, but need not be, the project under 25594
division (C)(3)(b) of this section that places real property in 25595
use for commercial or industrial purposes. 25596

A resolution adopted under division (C)(1) of this section on 25597
or after the effective date of this amendment shall not designate 25598
police or fire equipment as public infrastructure improvements, 25599
and no service payment provided for in section 5709.74 of the 25600
Revised Code and received by the township under the resolution 25601
shall be used for police or fire equipment. 25602

(b) A resolution adopted under division (C)(1) of this 25603
section may authorize the use of service payments provided for in 25604
section 5709.74 of the Revised Code for the purpose of housing 25605
renovations within the incentive district, provided that the 25606
resolution also designates public infrastructure improvements that 25607
benefit or serve the district, and that a project within the 25608
district places real property in use for commercial or industrial 25609
purposes. Service payments may be used to finance or support 25610
loans, deferred loans, and grants to persons for the purpose of 25611
housing renovations within the district. The resolution shall 25612

designate the parcels within the district that are eligible for 25613
housing renovations. The resolution shall state separately the 25614
amount or the percentages of the expected aggregate service 25615
payments that are designated for each public infrastructure 25616
improvement and for the purpose of housing renovations. 25617

(4) Except with the approval of the board of education of 25618
each city, local, or exempted village school district within the 25619
territory of which the incentive district is or will be located, 25620
and subject to division (E) of this section, the life of an 25621
incentive district shall not exceed ten years, and the percentage 25622
of improvements to be exempted shall not exceed seventy-five per 25623
cent. With approval of the board of education, the life of a 25624
district may be not more than thirty years, and the percentage of 25625
improvements to be exempted may be not more than one hundred per 25626
cent. The approval 25627

~~(5) Approval of a board of education shall be obtained in the 25628
manner provided in division (D) of this section for exemptions 25629
under division (B) of this section, except that the notice to the 25630
board of education shall delineate the boundaries of the district, 25631
specifically identify each parcel within the district, identify 25632
each anticipated improvement in the district, provide an estimate 25633
of the true value in money of each such improvement, specify the 25634
life of the district and the percentage of improvements that would 25635
be exempted, and indicate the date on which the board of township 25636
trustees intends to adopt the resolution. 25637~~

(D) Improvements with respect to a parcel may be exempted 25638
from taxation under division (B) of this section, and improvements 25639
to parcels within an incentive district may be exempted from 25640
taxation under division (C) of this section, for up to ten years 25641
or, with the approval of the board of education of the city, 25642
local, or exempted village school district within which the parcel 25643
or district is located, for up to thirty years. The percentage of 25644

the improvements exempted from taxation may, with such approval, 25645
exceed seventy-five per cent, but shall not exceed one hundred per 25646
cent. Not later than forty-five business days prior to adopting a 25647
resolution under this section declaring improvements to be a 25648
public purpose that is subject to approval by a board of education 25649
under this division, the board of township trustees shall deliver 25650
to the board of education a notice stating its intent to adopt a 25651
resolution making that declaration. The notice regarding 25652
improvements with respect to a parcel under division (B) of this 25653
section shall identify the parcels for which improvements are to 25654
be exempted from taxation, provide an estimate of the true value 25655
in money of the improvements, specify the period for which the 25656
improvements would be exempted from taxation and the percentage of 25657
the improvements that would be exempted, and indicate the date on 25658
which the board of township trustees intends to adopt the 25659
resolution. The notice regarding improvements made under division 25660
(C) of this section to parcels within an incentive district shall 25661
delineate the boundaries of the district, specifically identify 25662
each parcel within the district, identify each anticipated 25663
improvement in the district, provide an estimate of the true value 25664
in money of each such improvement, specify the life of the 25665
district and the percentage of improvements that would be 25666
exempted, and indicate the date on which the board of township 25667
trustees intends to adopt the resolution. The board of education, 25668
by resolution adopted by a majority of the board, may approve the 25669
exemption for the period or for the exemption percentage specified 25670
in the notice; i may disapprove the exemption for the number of 25671
years in excess of ten, may disapprove the exemption for the 25672
percentage of the improvements to be exempted in excess of 25673
seventy-five per cent, or both; i or may approve the exemption on 25674
the condition that the board of township trustees and the board of 25675
education negotiate an agreement providing for compensation to the 25676
school district equal in value to a percentage of the amount of 25677

taxes exempted in the eleventh and subsequent years of the 25678
exemption period or, in the case of exemption percentages in 25679
excess of seventy-five per cent, compensation equal in value to a 25680
percentage of the taxes that would be payable on the portion of 25681
the improvements in excess of seventy-five per cent were that 25682
portion to be subject to taxation, or other mutually agreeable 25683
compensation. ~~The~~ 25684

The board of education shall certify its resolution to the 25685
board of township trustees not later than fourteen days prior to 25686
the date the board of township trustees intends to adopt the 25687
resolution as indicated in the notice. If the board of education 25688
and the board of township trustees negotiate a mutually acceptable 25689
compensation agreement, the resolution may declare the 25690
improvements a public purpose for the number of years specified in 25691
the resolution or, in the case of exemption percentages in excess 25692
of seventy-five per cent, for the exemption percentage specified 25693
in the resolution. In either case, if the board of education and 25694
the board of township trustees fail to negotiate a mutually 25695
acceptable compensation agreement, the resolution may declare the 25696
improvements a public purpose for not more than ten years, ~~but~~ and 25697
shall not exempt more than seventy-five per cent of the 25698
improvements from taxation. If the board of education fails to 25699
certify a resolution to the board of township trustees within the 25700
time prescribed by this section, the board of township trustees 25701
thereupon may adopt the resolution and may declare the 25702
improvements a public purpose for up to thirty years or, in the 25703
case of exemption percentages proposed in excess of seventy-five 25704
per cent, for the exemption percentage specified in the 25705
resolution. The board of township trustees may adopt the 25706
resolution at any time after the board of education certifies its 25707
resolution approving the exemption to the board of township 25708
trustees, or, if the board of education approves the exemption on 25709
the condition that a mutually acceptable compensation agreement be 25710

negotiated, at any time after the compensation agreement is agreed 25711
to by the board of education and the board of township trustees. 25712

If a board of education has adopted a resolution waiving its 25713
right to approve exemptions from taxation under this section and 25714
the resolution remains in effect, approval of such exemptions by 25715
the board of education is not required under ~~this~~ division (D) of 25716
this section. If a board of education has adopted a resolution 25717
allowing a board of township trustees to deliver the notice 25718
required under ~~this~~ division (D) of this section fewer than 25719
forty-five business days prior to adoption of the resolution by 25720
the board of township trustees, the board of township trustees 25721
shall deliver the notice to the board of education not later than 25722
the number of days prior to the adoption as prescribed by the 25723
board of education in its resolution. If a board of education 25724
adopts a resolution waiving its right to approve exemptions or 25725
shortening the notification period, the board of education shall 25726
certify a copy of the resolution to the board of township 25727
trustees. If the board of education rescinds the resolution, it 25728
shall certify notice of the rescission to the board of township 25729
trustees. 25730

If the board of township trustees is not required by ~~this~~ 25731
division (D) of this section to notify the board of education of 25732
the board of township trustees' intent to declare improvements to 25733
be a public purpose, the board of township trustees shall comply 25734
with the notice requirements imposed under section 5709.83 of the 25735
Revised Code before taking formal action to adopt the resolution 25736
making that declaration, unless the board of education has adopted 25737
a resolution under that section waiving its right to receive the 25738
notice. 25739

(E)(1) If a proposed resolution under division (C)(1) of this 25740
section exempts improvements with respect to a parcel within an 25741
incentive district for more than ten years, or the percentage of 25742

the improvement exempted from taxation exceeds seventy-five per 25743
cent, not later than forty-five business days prior to adopting 25744
the ~~ordinance~~ resolution the board of township trustees shall 25745
deliver to the board of county commissioners of the county within 25746
which the incentive district is or will be located a notice that 25747
states its intent to adopt a resolution creating an incentive 25748
district. The notice shall include a copy of the proposed 25749
resolution, identify the parcels for which improvements are to be 25750
exempted from taxation, provide an estimate of the true value in 25751
money of the improvements, specify the period of time for which 25752
the improvements would be exempted from taxation, specify the 25753
percentage of the improvements that would be exempted from 25754
taxation, and indicate the date on which the board of township 25755
trustees intends to adopt the resolution. 25756

(2) The board of county commissioners, by resolution adopted 25757
by a majority of the board, may object to the exemption for the 25758
number of years in excess of ten, may object to the exemption for 25759
the percentage of the improvement to be exempted in excess of 25760
seventy-five per cent, or both, ~~or may accept either or both~~ 25761
~~exemptions~~. If the board of county commissioners objects, the 25762
board may negotiate ~~an~~ a mutually acceptable compensation 25763
agreement with the board of township trustees ~~that provides~~. In no 25764
case shall the compensation provided to the board of county 25765
commissioners exceed the property taxes foregone due to the 25766
exemption. If the board of county commissioners objects, and the 25767
board of county commissioners and board of township trustees fail 25768
to negotiate a mutually acceptable compensation agreement, the 25769
resolution adopted under division (C)(1) of this section shall 25770
provide to the board of county commissioners compensation in the 25771
eleventh and subsequent years of the exemption period ~~compensation~~ 25772
equal in value to not more than fifty per cent of the taxes that 25773
would be payable to the county or, if the board of county 25774
commissioner's objection includes an objection to an exemption 25775

percentage in excess of seventy-five per cent, compensation equal 25776
in value to not more than fifty per cent of the taxes that would 25777
be payable to the county, on the portion of the improvement in 25778
excess of seventy-five per cent, were that portion to be subject 25779
to taxation. The board of county commissioners shall certify its 25780
resolution to the board of township trustees not later than thirty 25781
days after receipt of the notice. 25782

(3) If the board of county commissioners does not object or 25783
fails to certify its resolution objecting to an exemption within 25784
thirty days after receipt of the notice, the board of township 25785
trustees may adopt its resolution, and no compensation shall be 25786
provided to the board of county commissioners. If the board of 25787
county commissioners timely certifies its resolution objecting to 25788
the trustees' resolution, the board of township trustees may adopt 25789
its resolution at any time after ~~the~~ a mutually acceptable 25790
compensation agreement is agreed to by the board of county 25791
commissioners and the board of township trustees, or, if no 25792
compensation agreement is negotiated, at any time after the board 25793
of township trustees agrees in the proposed resolution to provide 25794
compensation to the board of county commissioners of fifty per 25795
cent of the taxes that would be payable to the county in the 25796
eleventh and subsequent years of the exemption period or on the 25797
portion of the improvement in excess of seventy-five per cent, 25798
were that portion to be subject to taxation. 25799

(F) ~~Any of the following property tax levies that are enacted~~ 25800
Service payments in lieu of taxes that are attributable to any 25801
amount by which the effective tax rate of either a renewal levy 25802
with an increase or a replacement levy exceeds the effective tax 25803
rate of the levy renewed or replaced, or that are attributable to 25804
an additional levy, for a levy authorized by the voters for any of 25805
the following purposes on or after January 1, 2006, and ~~after the~~ 25806
~~date an ordinance~~ which are provided pursuant to a resolution 25807

creating an incentive district under division (C)(1) of this 25808
section that is adopted on or after January 1, 2006, ~~under~~ 25809
~~division (C)(1) of this section~~ shall be ~~levied on property that~~ 25810
~~was exempted from taxation~~ distributed by the township, within 25811
forty-five days after the settlement required under division (A) 25812
or (C) of section 321.24 of the Revised Code, to the appropriate 25813
taxing authority in an amount equal to the amount of taxes that 25814
would have been payable to that taxing authority from the 25815
following levies were it not for the exemption authorized under 25816
division (C) of this section ~~and revenues collected from such~~ 25817
~~levies shall not be used to provide service payments under this~~ 25818
~~section:~~ 25819

(1) A tax levied under division (L) of section 5705.19 or 25820
section 5705.191 of the Revised Code for community mental 25821
retardation and developmental disabilities programs and services 25822
pursuant to Chapter 5126. of the Revised Code; 25823

(2) A tax levied under division (Y) of section 5705.19 of the 25824
Revised Code for providing or maintaining senior citizens services 25825
or facilities; 25826

(3) A tax levied under section 5705.22 of the Revised Code 25827
for county hospitals; 25828

(4) A tax levied by a joint-county district or by a county 25829
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 25830
for alcohol, drug addiction, and mental health services; 25831

(5) A tax levied under section 5705.23 of the Revised Code 25832
for library purposes; 25833

(6) A tax levied under section 5705.24 of the Revised Code 25834
for the support of children services and the placement and care of 25835
children; 25836

(7) A tax levied under division (Z) of section 5705.19 of the 25837
Revised Code for the provision and maintenance of zoological park 25838

<u>services and facilities under section 307.76 of the Revised Code;</u>	25839
<u>(8) A tax levied under section 511.27 or division (H) of</u>	25840
<u>section 5705.19 of the Revised Code for the support of township</u>	25841
<u>park districts;</u>	25842
<u>(9) A tax levied under division (A), (F), or (H) of section</u>	25843
<u>5705.19 of the Revised Code for parks and recreational purposes of</u>	25844
<u>a joint recreation district organized pursuant to division (B) of</u>	25845
<u>section 755.14 of the Revised Code;</u>	25846
<u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>	25847
<u>Revised Code for park district purposes;</u>	25848
<u>(11) A tax levied under section 5705.191 of the Revised Code</u>	25849
<u>for the purpose of making appropriations for public assistance;</u>	25850
<u>human or social services; public relief; public welfare; public</u>	25851
<u>health and hospitalization; and support of general hospitals;</u>	25852
<u>(12) A tax levied under section 3709.29 of the Revised Code</u>	25853
<u>for a general health district program.</u>	25854
<u>(G) An exemption from taxation granted under this section</u>	25855
<u>commences with the tax year specified in the resolution that</u>	25856
<u>begins so long as the year specified in the resolution commences</u>	25857
<u>after the effective date of the resolution. <u>If the resolution</u></u>	25858
<u><u>specifies a year commencing before the effective date of the</u></u>	25859
<u><u>resolution or specifies no year whatsoever, the exemption</u></u>	25860
<u><u>commences with the tax year in which an exempted improvement first</u></u>	25861
<u><u>appears on the tax list and duplicate of real and public utility</u></u>	25862
<u><u>property and that commences after the effective date of the</u></u>	25863
<u><u>resolution.</u> Except as otherwise provided in this division, the</u>	25864
<u>exemption ends on the date specified in the resolution as the date</u>	25865
<u>the improvement ceases to be a public purpose or the incentive</u>	25866
<u>district expires, or ends on the date on which the public</u>	25867
<u>infrastructure improvements and housing renovations are paid in</u>	25868
<u>full from the township public improvement tax increment equivalent</u>	25869

fund established under section 5709.75 of the Revised Code, 25870
whichever occurs first. The exemption of an improvement with 25871
respect to a parcel or within an incentive district may end on a 25872
later date, as specified in the resolution, if the board of 25873
township trustees and the board of education of the city, local, 25874
or exempted village school district within which the parcel or 25875
district is located have entered into a compensation agreement 25876
under section 5709.82 of the Revised Code with respect to the 25877
improvement ~~or district~~ and the board of education has approved 25878
the term of the exemption under division (D) of this section, but 25879
in no case shall the improvement be exempted from taxation for 25880
more than thirty years. The board of township trustees may, by 25881
majority vote, adopt a resolution permitting the township to enter 25882
into such agreements as the board finds necessary or appropriate 25883
to provide for the construction or undertaking of public 25884
infrastructure improvements and housing renovations. Any exemption 25885
shall be claimed and allowed in the same or a similar manner as in 25886
the case of other real property exemptions. If an exemption status 25887
changes during a tax year, the procedure for the apportionment of 25888
the taxes for that year is the same as in the case of other 25889
changes in tax exemption status during the year. 25890

(H) The board of township trustees may issue the notes of the 25891
township to finance all costs pertaining to the construction or 25892
undertaking of public infrastructure improvements and housing 25893
renovations made pursuant to this section. The notes shall be 25894
signed by the board and attested by the signature of the township 25895
fiscal officer, shall bear interest not to exceed the rate 25896
provided in section 9.95 of the Revised Code, and are not subject 25897
to Chapter 133. of the Revised Code. The resolution authorizing 25898
the issuance of the notes shall pledge the funds of the township 25899
public improvement tax increment equivalent fund established 25900
pursuant to section 5709.75 of the Revised Code to pay the 25901
interest on and principal of the notes. The notes, which may 25902

contain a clause permitting prepayment at the option of the board, 25903
shall be offered for sale on the open market or given to the 25904
vendor or contractor if no sale is made. 25905

(I) The township, not later than fifteen days after the 25906
adoption of a resolution under this section, shall submit to the 25907
director of development a copy of the resolution. On or before the 25908
thirty-first day of March of each year, the township shall submit 25909
a status report to the director of development. The report shall 25910
indicate, in the manner prescribed by the director, the progress 25911
of the project during each year that the exemption remains in 25912
effect, including a summary of the receipts from service payments 25913
in lieu of taxes; expenditures of money from ~~funds~~ the fund 25914
created under section 5709.75 of the Revised Code; a description 25915
of the public infrastructure improvements and housing renovations 25916
financed with the expenditures; and a quantitative summary of 25917
changes in private investment resulting from each project. 25918

(J) Nothing in this section shall be construed to prohibit a 25919
board of township trustees from declaring to be a public purpose 25920
improvements with respect to more than one parcel. 25921

(K) A board of township trustees that adopted a resolution 25922
under this section prior to July 21, 1994, may amend that 25923
resolution to include any additional public infrastructure 25924
improvement. A board of township trustees that seeks by the 25925
amendment to utilize money from its township public improvement 25926
tax increment equivalent fund for land acquisition in aid of 25927
industry, commerce, distribution, or research, demolition on 25928
private property, or stormwater and flood remediation projects may 25929
do so provided that the board currently is a party to a 25930
hold-harmless agreement with the board of education of the city, 25931
local, or exempted village school district within the territory of 25932
which are located the parcels that are subject to an exemption. 25933
For the purposes of this division, a "hold-harmless agreement" 25934

means an agreement under which the board of township trustees 25935
agrees to compensate the school district for one hundred per cent 25936
of the tax revenue that the school district would have received 25937
from further improvements to parcels designated in the resolution 25938
were it not for the exemption granted by the resolution. 25939

Sec. 5709.74. (A) A township that has declared an improvement 25940
to be a public purpose under section 5709.73 of the Revised Code 25941
may require the owner of the parcel to make annual service 25942
payments in lieu of taxes to the county treasurer on or before the 25943
final dates for payment of real property taxes. Each payment shall 25944
be charged and collected in the same manner and in the same amount 25945
as the real property taxes that would have been charged and 25946
payable against any improvement made on the parcel if it were not 25947
exempt from taxation. If any reduction in the levies otherwise 25948
applicable to the exempt property is made by the county budget 25949
commission under section 5705.31 of the Revised Code, the amount 25950
of the service payment in lieu of taxes shall be calculated as if 25951
a reduction in levies had not been made. A township shall not 25952
require an owner to make annual service payments in lieu of taxes 25953
pursuant to this section after the date on which the township has 25954
been paid back in full for the public infrastructure improvements 25955
made pursuant to sections 5709.73 to 5709.75 of the Revised Code. 25956
25957

(B) Moneys collected as service payments in lieu of taxes 25958
shall be distributed at the same time and in the same manner as 25959
real property tax payments. However, subject to section 5709.913 25960
of the Revised Code, the entire amount so collected shall be 25961
distributed to the township in which the improvement is located. 25962
If a parcel upon which moneys are collected as service payments in 25963
lieu of taxes is annexed to a municipal corporation, the service 25964
payments shall continue to be collected and distributed to the 25965

township in which the parcel was located before its annexation 25966
until the township is paid back in full for the cost of any public 25967
infrastructure improvements it made on the parcel. The treasurer 25968
shall maintain a record of the service payments in lieu of taxes 25969
made from property in each township. 25970

(C) If annual service payments in lieu of taxes are required 25971
under this section, the county treasurer shall distribute to the 25972
appropriate taxing authorities the portion of the service payments 25973
that represent compensation payments required under division (F) 25974
of section 5709.73 of the Revised Code. 25975

(D) Nothing in this section or section 5709.73 of the Revised 25976
Code affects the taxes levied against that portion of the value of 25977
any parcel of property that is not exempt from taxation. 25978

Sec. 5709.75. (A) Any township that receives service payments 25979
in lieu of taxes under section 5709.74 of the Revised Code shall 25980
establish a township public improvement tax increment equivalent 25981
fund into which those payments shall be deposited. If the board of 25982
township trustees has adopted a resolution under division (C) of 25983
section 5709.73 of the Revised Code, the township shall establish 25984
at least one account in that fund with respect to resolutions 25985
adopted under division (B) of that section, and one account with 25986
respect to each incentive district created by a resolution adopted 25987
under division (C) of that section. If a resolution adopted under 25988
division (C) of section 5709.73 of the Revised Code also 25989
authorizes the use of service payments for housing renovations 25990
within the incentive district, the township shall establish 25991
separate accounts for the service payments designated for public 25992
infrastructure improvements and for the service payments 25993
authorized for the purpose of housing renovations. 25994

(B) Except as otherwise provided in division (C) or (D) of 25995
this section, money deposited in an account of the township public 25996

improvement tax increment equivalent fund shall be used by the township to pay the costs of public infrastructure improvements designated in or the housing renovations authorized by the resolution with respect to which the account is established, including any interest on and principal of the notes; in the case of an account established with respect to a resolution adopted under division (C) of that section, money in the account shall be used to finance the public infrastructure improvements designated, or the housing renovations authorized, for each incentive district created in the resolution. Money in an account shall not be used to finance or support housing renovations that take place after the incentive district has expired.

(C)(1)(a) A township may ~~also~~ distribute money in such an account to any school district in which the exempt property is located in an amount not to exceed the amount of real property taxes that such school district would have received from the improvement if it were not exempt from taxation. The resolution establishing the fund shall set forth the percentage of such maximum amount that will be distributed to any affected school district.

(b) A township also may distribute money in such an account as follows:

(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;

(ii) To a county in accordance with section 5709.913 of the Revised Code.

(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 26028
adopted prior to the effective date of this amendment. 26029

(D) On or before January 1, 2007, a board of township 26030
trustees that adopted a resolution under division (B) of section 26031
5709.73 of the Revised Code before January 1, 1995, and that, with 26032
respect to property exempted under such a resolution, is party to 26033
a hold-harmless agreement, may appropriate and expend unencumbered 26034
money in the fund to pay current public safety expenses of the 26035
township. A township appropriating and expending money under this 26036
division shall reimburse the fund for the sum so appropriated and 26037
expended not later than the day the exemption granted under the 26038
resolution expires. For the purposes of this division, a 26039
"hold-harmless agreement" is an agreement with the board of 26040
education of a city, local, or exempted village school district 26041
under which the board of township trustees agrees to compensate 26042
the school district for one hundred per cent of the tax revenue 26043
the school district would have received from improvements to 26044
parcels designated in the resolution were it not for the exemption 26045
granted by the resolution. 26046

(E) Any incidental surplus remaining in the township public 26047
improvement tax increment equivalent fund or an account of that 26048
fund upon dissolution of the account or fund shall be transferred 26049
to the general fund of the township. 26050

Sec. 5709.78. (A) A board of county commissioners may, by 26051
resolution, declare improvements to certain parcels of real 26052
property located in the unincorporated territory of the county to 26053
be a public purpose. Except ~~as otherwise provided in~~ with the 26054
approval under division (C) of this section of the board of 26055
education of each city, local, or exempted village school district 26056
within which the improvements are located, not more than 26057
seventy-five per cent of an improvement thus declared to be a 26058

public purpose may be exempted from real property taxation, for a 26059
period of not more than ten years. The resolution shall specify 26060
the percentage of the improvement to be exempted and the life of 26061
the exemption. 26062

A resolution adopted under this division shall designate the 26063
specific public infrastructure improvements made, to be made, or 26064
in the process of being made by the county that directly benefit, 26065
or that once made will directly benefit, the parcels for which 26066
improvements are declared to be a public purpose. The service 26067
payments provided for in section 5709.79 of the Revised Code shall 26068
be used to finance the public infrastructure improvements 26069
designated in the resolution, or as provided in section 5709.80 of 26070
the Revised Code. 26071

(B)(1) A board of county commissioners may adopt a resolution 26072
creating an incentive district and declaring improvements to 26073
parcels within the district to be a public purpose and, except as 26074
provided in division (E) of this section, exempt from taxation as 26075
provided in this section, but no board of county commissioners of 26076
a county that has a population that exceeds twenty-five thousand, 26077
as shown by the most recent federal decennial census, shall adopt 26078
a resolution that creates an incentive district if, ~~as a result of~~ 26079
~~adopting the resolution, more than~~ the sum of the taxable value of 26080
real property in the proposed district for the preceding tax year 26081
and the taxable value of all real property in the county that 26082
would have been taxable in the preceding year were it not for the 26083
fact that the property was in an existing incentive district and 26084
therefore exempt from taxation exceeds twenty-five per cent of the 26085
county's taxable value, ~~as of the first day of January of the year~~ 26086
~~in which the resolution takes effect, is subject to exemption~~ 26087
~~because of an incentive district. The twenty five per cent~~ 26088
~~limitation does not apply to an incentive district that was~~ 26089
~~created by a resolution adopted prior to January 1, 2006, unless~~ 26090

~~the board creates an additional incentive district after that date~~ 26091
~~taxable value of real property in the county for the preceding tax~~ 26092
~~year.~~ The district shall be located within the unincorporated 26093
territory of the county and shall not include any territory that 26094
is included within a district created under division (C) of 26095
section 5709.73 of the Revised Code. The resolution shall 26096
delineate the boundary of the district and specifically identify 26097
each parcel within the district. A district may not include any 26098
parcel that is or has been exempted from taxation under division 26099
(A) of this section or that is or has been within another district 26100
created under this division. A resolution may create more than one 26101
such district, and more than one resolution may be adopted under 26102
division (B)(1) of this section. 26103

(2) Not later than thirty days prior to adopting a resolution 26104
under division (B)(1) of this section, if the county intends to 26105
apply for exemptions from taxation under section 5709.911 of the 26106
Revised Code on behalf of owners of real property located within 26107
the proposed incentive district, the board of county commissioners 26108
shall conduct a public hearing on the proposed resolution. Not 26109
later than thirty days prior to the public hearing, the board 26110
shall give notice of the public hearing and the proposed 26111
resolution by first class mail to every real property owner whose 26112
property is located within the boundaries of the proposed 26113
incentive district that is the subject of the proposed resolution. 26114
The board also shall provide the notice by first class mail to the 26115
clerk of each township in which the proposed incentive district 26116
will be located. 26117

(3)(a) A resolution adopted under division (B)(1) of this 26118
section shall specify the life of the incentive district and the 26119
percentage of the improvements to be exempted, shall designate the 26120
public infrastructure improvements made, to be made, or in the 26121
process of being made, that benefit or serve, or, once made, will 26122

benefit or serve parcels in the district. The resolution also 26123
shall identify one or more specific projects being, or to be, 26124
undertaken in the district that place additional demand on the 26125
public infrastructure improvements designated in the resolution. 26126
The project identified may, but need not be, the project under 26127
division (B)(3)(b) of this section that places real property in 26128
use for commercial or industrial purposes. 26129

A resolution adopted under division (B)(1) of this section on 26130
or after the effective date of this amendment shall not designate 26131
police or fire equipment as public infrastructure improvements, 26132
and no service payment provided for in section 5709.79 of the 26133
Revised Code and received by the county under the resolution shall 26134
be used for police or fire equipment. 26135

(b) A resolution adopted under division (B)(1) of this 26136
section may authorize the use of service payments provided for in 26137
section 5709.79 of the Revised Code for the purpose of housing 26138
renovations within the incentive district, provided that the 26139
resolution also designates public infrastructure improvements that 26140
benefit or serve the district, and that a project within the 26141
district places real property in use for commercial or industrial 26142
purposes. Service payments may be used to finance or support 26143
loans, deferred loans, and grants to persons for the purpose of 26144
housing renovations within the district. The resolution shall 26145
designate the parcels within the district that are eligible for 26146
housing renovations. The resolution shall state separately the 26147
amount or the percentages of the expected aggregate service 26148
payments that are designated for each public infrastructure 26149
improvement and for the purpose of housing renovations. 26150

(4) Except with the approval of the board of education of 26151
each city, local, or exempted village school district within the 26152
territory of which the incentive district is or will be located, 26153
and subject to division (D) of this section, the life of an 26154

incentive district shall not exceed ten years, and the percentage 26155
of improvements to be exempted shall not exceed seventy-five per 26156
cent. With approval of the board of education, the life of a 26157
district may be not more than thirty years, and the percentage of 26158
improvements to be exempted may be not more than one hundred per 26159
cent. The approval 26160

~~(5) Approval~~ of a board of education shall be obtained in the 26161
manner provided in division (C) of this section ~~for exemptions~~ 26162
~~under division (A) of this section, except that the notice to the~~ 26163
~~board of education shall delineate the boundaries of the district,~~ 26164
~~specifically identify each parcel within the district, identify~~ 26165
~~each anticipated improvement in the district, provide an estimate~~ 26166
~~of the true value in money of each such improvement, specify the~~ 26167
~~life of the district and the percentage of improvements that would~~ 26168
~~be exempted, and indicate the date on which the board of county~~ 26169
~~commissioners intends to adopt the resolution.~~ 26170

(C)(1) Improvements with respect to a parcel may be exempted 26171
from taxation under division (A) of this section, and improvements 26172
to parcels within an incentive district may be exempted from 26173
taxation under division (B) of this section, for up to ten years 26174
or, with the approval of the board of education of the city, 26175
local, or exempted village school district within which the parcel 26176
or district is located, for up to thirty years. The percentage of 26177
the improvements exempted from taxation may, with such approval, 26178
exceed seventy-five per cent, but shall not exceed one hundred per 26179
cent. Not later than forty-five business days prior to adopting a 26180
resolution under this section declaring improvements to be a 26181
public purpose that is subject to the approval of a board of 26182
education under this division, the board of county commissioners 26183
shall deliver to the board of education a notice stating its 26184
intent to adopt a resolution making that declaration. The notice 26185
regarding improvements with respect to a parcel under division (A) 26186

of this section shall identify the parcels for which improvements 26187
are to be exempted from taxation, provide an estimate of the true 26188
value in money of the improvements, specify the period for which 26189
the improvements would be exempted from taxation and the 26190
percentage of the improvements that would be exempted, and 26191
indicate the date on which the board of county commissioners 26192
intends to adopt the resolution. The notice regarding improvements 26193
to parcels within an incentive district under division (B) of this 26194
section shall delineate the boundaries of the district, 26195
specifically identify each parcel within the district, identify 26196
each anticipated improvement in the district, provide an estimate 26197
of the true value in money of each such improvement, specify the 26198
life of the district and the percentage of improvements that would 26199
be exempted, and indicate the date on which the board of county 26200
commissioners intends to adopt the resolution. The board of 26201
education, by resolution adopted by a majority of the board, may 26202
approve the exemption for the period or for the exemption 26203
percentage specified in the notice; i may disapprove the exemption 26204
for the number of years in excess of ten, may disapprove the 26205
exemption for the percentage of the improvements to be exempted in 26206
excess of seventy-five per cent, or both; i or may approve the 26207
exemption on the condition that the board of county commissioners 26208
and the board of education negotiate an agreement providing for 26209
compensation to the school district equal in value to a percentage 26210
of the amount of taxes exempted in the eleventh and subsequent 26211
years of the exemption period or, in the case of exemption 26212
percentages in excess of seventy-five per cent, compensation equal 26213
in value to a percentage of the taxes that would be payable on the 26214
portion of the improvements in excess of seventy-five per cent 26215
were that portion to be subject to taxation, or other mutually 26216
agreeable compensation. ~~The~~ 26217

(2) The board of education shall certify its resolution to 26218
the board of county commissioners not later than fourteen days 26219

prior to the date the board of county commissioners intends to 26220
adopt its resolution as indicated in the notice. If the board of 26221
education and the board of county commissioners negotiate a 26222
mutually acceptable compensation agreement, the resolution of the 26223
board of county commissioners may declare the improvements a 26224
public purpose for the number of years specified in that 26225
resolution or, in the case of exemption percentages in excess of 26226
seventy-five per cent, for the exemption percentage specified in 26227
the resolution. In either case, if the board of education and the 26228
board of county commissioners fail to negotiate a mutually 26229
acceptable compensation agreement, the resolution may declare the 26230
improvements a public purpose for not more than ten years, ~~but~~ and 26231
shall not exempt more than seventy-five per cent of the 26232
improvements from taxation. If the board of education fails to 26233
certify a resolution to the board of county commissioners within 26234
the time prescribed by this section, the board of county 26235
commissioners thereupon may adopt the resolution and may declare 26236
the improvements a public purpose for up to thirty years or, in 26237
the case of exemption percentages proposed in excess of 26238
seventy-five per cent, for the exemption percentage specified in 26239
the resolution. The board of county commissioners may adopt the 26240
resolution at any time after the board of education certifies its 26241
resolution approving the exemption to the board of county 26242
commissioners, or, if the board of education approves the 26243
exemption on the condition that a mutually acceptable compensation 26244
agreement be negotiated, at any time after the compensation 26245
agreement is agreed to by the board of education and the board of 26246
county commissioners. 26247

~~(2)~~(3) If a board of education has adopted a resolution 26248
waiving its right to approve exemptions from taxation under this 26249
section and the resolution remains in effect, approval of such 26250
exemptions by the board of education is not required under 26251
division (C)~~(1)~~ of this section. If a board of education has 26252

adopted a resolution allowing a board of county commissioners to 26253
deliver the notice required under division (C)~~(1)~~ of this section 26254
fewer than forty-five business days prior to approval of the 26255
resolution by the board of county commissioners, the board of 26256
county commissioners shall deliver the notice to the board of 26257
education not later than the number of days prior to such approval 26258
as prescribed by the board of education in its resolution. If a 26259
board of education adopts a resolution waiving its right to 26260
approve exemptions or shortening the notification period, the 26261
board of education shall certify a copy of the resolution to the 26262
board of county commissioners. If the board of education rescinds 26263
such a resolution, it shall certify notice of the rescission to 26264
the board of county commissioners. 26265

(D)(1) If a proposed resolution under division (B)(1) of this 26266
section exempts improvements with respect to a parcel within an 26267
incentive district for more than ten years, or the percentage of 26268
the improvement exempted from taxation exceeds seventy-five per 26269
cent, not later than forty-five business days prior to adopting 26270
the ~~ordinance~~ resolution the board of county commissioners shall 26271
deliver to the board of township trustees of any township ~~or~~ 26272
~~legislative authority of any municipal corporation~~ within which 26273
the incentive district is or will be located a notice that states 26274
its intent to adopt a resolution creating an incentive district. 26275
The notice shall include a copy of the proposed resolution, 26276
identify the parcels for which improvements are to be exempted 26277
from taxation, provide an estimate of the true value in money of 26278
the improvements, specify the period of time for which the 26279
improvements would be exempted from taxation, specify the 26280
percentage of the improvements that would be exempted from 26281
taxation, and indicate the date on which the board intends to 26282
adopt the resolution. 26283

(2) The board of township trustees ~~or legislative authority~~ 26284

~~of the municipal corporation, or both, by resolution adopted by a~~ 26285
~~majority of the board,~~ may object to the exemption for the number 26286
of years in excess of ten, may object to the exemption for the 26287
percentage of the improvement to be exempted in excess of 26288
seventy-five per cent, or both, ~~or may accept either or both~~ 26289
~~exemptions.~~ If the board of township trustees ~~or legislative~~ 26290
~~authority, or both,~~ objects, the board of township trustees ~~or~~ 26291
~~legislative authority~~ may negotiate an a mutually acceptable 26292
compensation agreement with the board of county commissioners ~~that~~ 26293
provides. In no case shall the compensation provided to the board 26294
of township trustees exceed the property taxes foregone due to the 26295
exemption. If the board of township trustees objects, and the 26296
board of township trustees and the board of county commissioners 26297
fail to negotiate a mutually acceptable compensation agreement, 26298
the resolution adopted under division (B)(1) of this section shall 26299
provide to the board of township trustees ~~or legislative~~ 26300
~~authority, or both,~~ compensation in the eleventh and subsequent 26301
years of the exemption period ~~compensation~~ equal in value to not 26302
more than fifty per cent of the taxes that would be payable to the 26303
township ~~or municipal corporation~~ or, if the board of township 26304
trustee's objection includes an objection to an exemption 26305
percentage in excess of seventy-five per cent, compensation equal 26306
in value to not more than fifty per cent of the taxes that would 26307
be payable to the township on the portion of the improvement in 26308
excess of seventy-five per cent, were that portion to be subject 26309
to taxation. The board of township trustees ~~and legislative~~ 26310
~~authority~~ shall certify its resolution to the board of county 26311
commissioners not later than thirty days after receipt of the 26312
notice. 26313

(3) If the board of township trustees ~~and the legislative~~ 26314
~~authority of the municipal corporation~~ does not object or fails to 26315
certify a resolution objecting to an exemption within thirty days 26316
after receipt of the notice, the board of county commissioners may 26317

adopt its resolution, and no compensation shall be provided to the 26318
board of township trustees ~~or legislative authority~~. If ~~both~~ the 26319
board of township trustees ~~or legislative authority of the~~ 26320
~~municipal corporation certify resolutions~~ certifies its resolution 26321
objecting to the commissioners' resolution, the board of county 26322
commissioners may adopt its resolution at any time after ~~both~~ a 26323
mutually acceptable compensation ~~agreements are~~ agreement is 26324
agreed to by the board of county commissioners and the ~~respective~~ 26325
~~party to the agreement~~ board of township trustees. If ~~either~~ the 26326
board of township trustees ~~or legislative authority of the~~ 26327
~~municipal corporation certify~~ certifies a resolution objecting to 26328
the commissioners' resolution, the board of county commissioners 26329
may adopt its resolution at any time after ~~the~~ a mutually 26330
acceptable compensation agreement is agreed to by the board of 26331
county commissioners and the board ~~or legislative authority of~~ 26332
township trustees, or, if no compensation agreement is negotiated, 26333
at any time after the board of county commissioners agrees in the 26334
proposed resolution to provide compensation to the board of 26335
township trustees ~~or legislative authority, or to both~~, of fifty 26336
per cent of the taxes that would be payable to the township ~~or~~ 26337
~~municipal corporation~~ in the eleventh and subsequent years of the 26338
exemption period or on the portion of the improvement in excess of 26339
seventy-five per cent, were that portion to be subject to 26340
taxation. 26341

(E) ~~Any of the following property tax levies that are enacted~~ 26342
Service payments in lieu of taxes that are attributable to any 26343
amount by which the effective tax rate of either a renewal levy 26344
with an increase or a replacement levy exceeds the effective tax 26345
rate of the levy renewed or replaced, or that are attributable to 26346
an additional levy, for a levy authorized by the voters for any of 26347
the following purposes on or after January 1, 2006, and ~~after the~~ 26348
~~date an ordinance~~ which are provided pursuant to a resolution 26349
creating an incentive district under division (B)(1) of this 26350

~~section that is adopted on or after January 1, 2006, under~~ 26351
~~division (C)(1) of this section shall be levied on property that~~ 26352
~~was exempted from taxation distributed by the county, within~~ 26353
~~forty-five days after the settlement required under division (A)~~ 26354
~~or (C) of section 321.24 of the Revised Code, to the appropriate~~ 26355
~~taxing authority in an amount equal to the amount of taxes that~~ 26356
~~would have been payable to that taxing authority from the~~ 26357
~~following levies were it not for the exemption authorized under~~ 26358
~~division (C)(B) of this section and revenues collected from such~~ 26359
~~levies shall not be used to provide service payments under this~~ 26360
~~section:~~ 26361

(1) A tax levied under division (L) of section 5705.19 or 26362
section 5705.191 of the Revised Code for community mental 26363
retardation and developmental disabilities programs and services 26364
pursuant to Chapter 5126. of the Revised Code; 26365

(2) A tax levied under division (Y) of section 5705.19 of the 26366
Revised Code for providing or maintaining senior citizens services 26367
or facilities; 26368

(3) A tax levied under section 5705.22 of the Revised Code 26369
for county hospitals; 26370

(4) A tax levied by a joint-county district or by a county 26371
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 26372
for alcohol, drug addiction, and mental health services; 26373

(5) A tax levied under section 5705.23 of the Revised Code 26374
for library purposes; 26375

(6) A tax levied under section 5705.24 of the Revised Code 26376
for the support of children services and the placement and care of 26377
children; 26378

(7) A tax levied under division (Z) of section 5705.19 of the 26379
Revised Code for the provision and maintenance of zoological park 26380
services and facilities under section 307.76 of the Revised Code; 26381

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 26382
26383
26384

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 26385
26386
26387
26388

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 26389
26390

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 26391
26392
26393
26394

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 26395
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(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution ~~that begins~~ so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the county can no longer require annual service payments in lieu of taxes under section 5709.79 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an 26397
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incentive district may end on a later date, as specified in the 26413
resolution, if the board of commissioners and the board of 26414
education of the city, local, or exempted village school district 26415
within which the parcel or district is located have entered into a 26416
compensation agreement under section 5709.82 of the Revised Code 26417
with respect to the improvement ~~or district~~, and the board of 26418
education has approved the term of the exemption under division 26419
(C)(1) of this section, but in no case shall the improvement be 26420
exempted from taxation for more than thirty years. Exemptions 26421
shall be claimed and allowed in the same or a similar manner as in 26422
the case of other real property exemptions. If an exemption status 26423
changes during a tax year, the procedure for the apportionment of 26424
the taxes for that year is the same as in the case of other 26425
changes in tax exemption status during the year. 26426

(G) If the board of county commissioners is not required by 26427
this section to notify the board of education of the board of 26428
county commissioners' intent to declare improvements to be a 26429
public purpose, the board of county commissioners shall comply 26430
with the notice requirements imposed under section 5709.83 of the 26431
Revised Code before taking formal action to adopt the resolution 26432
making that declaration, unless the board of education has adopted 26433
a resolution under that section waiving its right to receive such 26434
a notice. 26435

(H) The county, not later than fifteen days after the 26436
adoption of a resolution under this section, shall submit to the 26437
director of development a copy of the resolution. On or before the 26438
thirty-first day of March of each year, the county shall submit a 26439
status report to the director of development. The report shall 26440
indicate, in the manner prescribed by the director, the progress 26441
of the project during each year that an exemption remains in 26442
effect, including a summary of the receipts from service payments 26443
in lieu of taxes; expenditures of money from ~~funds~~ the fund 26444

created under section ~~5709.75~~ 5709.80 of the Revised Code; a 26445
description of the public infrastructure improvements and housing 26446
renovations financed with such expenditures; and a quantitative 26447
summary of changes in employment and private investment resulting 26448
from each project. 26449

(I) Nothing in this section shall be construed to prohibit a 26450
board of county commissioners from declaring to be a public 26451
purpose improvements with respect to more than one parcel. 26452

Sec. 5709.79. (A) A board of county commissioners that adopts 26453
a resolution under section 5709.78 of the Revised Code shall in 26454
the resolution require that the owner of the improvement make 26455
annual service payments in lieu of taxes to the county treasurer 26456
on or before the final dates for payment of real property taxes. 26457
Each such payment shall be charged and collected in the same 26458
manner and in the same amount as the real property taxes that 26459
would have been charged and payable against the improvement if its 26460
value were not exempt from taxation. If any reduction in the 26461
levies otherwise applicable to the improvement is made by the 26462
county budget commission under section 5705.31 of the Revised 26463
Code, the amount of the service payment in lieu of taxes shall be 26464
calculated as if the reduction in levies had not been made. 26465
26466

(B) The county shall not require the owner to make annual 26467
service payments in lieu of taxes pursuant to this section after 26468
the date on which one of the following occurs: 26469

~~(A)~~(1) If bonds or notes were not issued under section 26470
307.082 or 5709.81 of the Revised Code for any public 26471
infrastructure improvements benefiting the parcel on which the 26472
improvement is located, or for any housing renovations within an 26473
incentive district, and if service payments were not pledged 26474
pursuant to division (B) of section 5709.81 of the Revised Code, 26475

the date the county has collected sufficient money in the 26476
applicable account of the redevelopment tax equivalent fund to pay 26477
the cost of constructing or repairing the public infrastructure 26478
improvements designated in, or the housing renovations authorized 26479
by, the resolution adopted under section 5709.78 of the Revised 26480
Code; 26481

~~(B)(2)~~ If service payments were pledged under division (B) of 26482
section 5709.81 of the Revised Code to secure payment of any 26483
obligation issued to finance the public infrastructure improvement 26484
and housing renovations, the date the purposes for which the 26485
payments were pledged are paid in full; 26486

~~(C)(3)~~ If bonds or notes were issued under section 307.082 or 26487
5709.81 of the Revised Code, the date the interest on and 26488
principal of such bonds and notes have been paid in full. 26489

(C) Money collected as service payments in lieu of taxes 26490
shall be distributed at the same time and in the same manner as 26491
real property tax payments. However, subject to section 5709.914 26492
of the Revised Code, the entire amount so collected shall be 26493
distributed to the county in which the parcel is located. The 26494
county treasurer shall maintain a record of the service payments 26495
in lieu of taxes made for each parcel. If a parcel upon which 26496
moneys are collected as service payments in lieu of taxes is 26497
annexed to a municipal corporation, the service payments shall 26498
continue to be collected and distributed to the county until the 26499
date described in division ~~(A)~~, ~~(B)~~, ~~or (C)(1), (2), or (3)~~ of 26500
this section. 26501

(D) The county treasurer shall distribute to the appropriate 26502
taxing authorities the portion of the annual service payments in 26503
lieu of taxes that represents compensation payments required under 26504
division (E) of section 5709.78 of the Revised Code. 26505

(E) Nothing in this section or section 5709.78 of the Revised 26506

Code affects the taxes levied against that portion of the value of 26507
any parcel that is not exempt from taxation. 26508

Sec. 5709.80. (A) The board of county commissioners of a 26509
county that receives service payments in lieu of taxes under 26510
section 5709.79 of the Revised Code shall establish a 26511
redevelopment tax equivalent fund into which those payments shall 26512
be deposited. Separate accounts shall be established in the fund 26513
for each resolution adopted by the board of county commissioners 26514
under section 5709.78 of the Revised Code. If the board of county 26515
commissioners has adopted a resolution under division (B) of that 26516
section, the county shall establish an account for each incentive 26517
district created in that resolution. If a resolution adopted under 26518
division (B) of section 5709.78 of the Revised Code also 26519
authorizes the use of service payments for housing renovations 26520
within the incentive district, the county shall establish separate 26521
accounts for the service payments designated for public 26522
infrastructure improvements and for the service payments 26523
authorized for the purpose of housing renovations. ~~Moneys~~ 26524

(B) ~~Moneys~~ deposited into each account of the fund shall be 26525
used by the county to pay the cost of constructing or repairing 26526
the public infrastructure improvements designated in, or the 26527
housing renovations authorized by, the resolution, or for each 26528
incentive district for which the account is established, to pay 26529
the interest on and principal of bonds or notes issued under 26530
division (B) of section 307.082 or division (A) of section 5709.81 26531
of the Revised Code, or for the purposes pledged under division 26532
(B) of section 5709.81 of the Revised Code. Money in an account 26533
shall not be used to finance or support housing renovations that 26534
take place after the incentive district has expired. ~~The~~ 26535

(C)(1)(a) The board of county commissioners may ~~also~~ 26536
distribute money in an account to any school district in which the 26537

exempt property is located in an amount not to exceed the amount 26538
of real property taxes that such school district would have 26539
received from the improvement if it were not exempt from taxation. 26540
The resolution under which an account is established shall set 26541
forth the percentage of such maximum amount that will be 26542
distributed to any affected school district. ~~An~~ 26543

(b) A board of county commissioners also may distribute money 26544
in such an account as follows: 26545

(i) To a board of township trustees or legislative authority 26546
of a municipal corporation, as applicable, in the amount that is 26547
owed to the board of township trustees or legislative authority 26548
pursuant to division (D) of section 5709.78 of the Revised Code; 26549

(ii) To a township in accordance with section 5709.914 of the 26550
Revised Code. 26551

(2) Money from an account in the redevelopment tax equivalent 26552
fund may be distributed under division (C)(1)(b) of this section, 26553
regardless of the date a resolution was adopted under section 26554
5709.78 of the Revised Code that prompted the establishment of the 26555
account, even if the resolution was adopted prior to the effective 26556
date of this amendment. 26557

(D) An account dissolves upon fulfillment of the purposes for 26558
which money in the account may be used. An incidental surplus 26559
remaining in an account upon its dissolution shall be transferred 26560
to the general fund of the county. 26561

Sec. 5711.01. As used in this chapter: 26562

(A) "Taxable property" includes all the kinds of property 26563
mentioned in division (B) of section 5709.01 and section 5709.02 26564
of the Revised Code, and also the amount or value as of the date 26565
of conversion of all taxable property converted into bonds or 26566
other securities not taxed on or after the first day of November 26567

in the year preceding the date of listing, and of all other
taxable property converted into deposits after the date as of
which deposits are required to be listed in such year, except in
the usual course of the taxpayer's business, to the extent the
taxpayer may hold or control such bonds, securities, or deposits
on such day, without deduction for indebtedness created in the
purchase of such bonds or securities from the taxpayer's credits.
"Taxable property" does not include such investments and deposits
as are taxable at the source as provided in sections 5725.01 to
5725.26 of the Revised Code, surrender values under policies of
insurance, or any tangible personal property acquired from a
public utility or interexchange telecommunications company as
defined in section 5727.01 of the Revised Code, and leased back to
the public utility or interexchange telecommunications company
pursuant to a sale and leaseback transaction as defined in
division (I) of section 5727.01 of the Revised Code. For tax year
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.

For tax year 2007 and thereafter, taxable property leased to
a telephone, telegraph, or interexchange telecommunications
company, as defined in section 5727.01 of the Revised Code, shall
be listed and assessed by the owner of the property at the
percentage of true value in money required under division (H) of
section 5711.22 of the Revised Code.

(B) "Taxpayer" means any owner of taxable property, including
property exempt under division (C) of section 5709.01 of the
Revised Code, and includes every person residing in, or
incorporated or organized by or under the laws of this state, or
doing business in this state, or owning or having a beneficial
interest in taxable personal property in this state and every

fiduciary required by sections 5711.01 to 5711.36 of the Revised Code, to make a return for or on behalf of another. For tax year 2007 and thereafter, "taxpayer" includes telephone companies, telegraph companies, and interexchange telecommunications company as defined in section 5727.01 of the Revised Code. The tax commissioner may by rule define and designate the taxpayer, as to any taxable property which would not otherwise be required by this section to be returned; and any such rule shall be considered supplementary to the enumeration of kinds of taxpayers following:

(1) Individuals of full age and sound mind residing in this state;

(2) Partnerships, corporations, associations, and joint-stock companies, under whatever laws organized or existing, doing business or having taxable property in this state; and corporations incorporated by or organized under the laws of this state, wherever their actual business is conducted;

(3) Fiduciaries appointed by any court in this state or having title, possession, or custody of taxable personal property in this state or engaged in business in this state;

(4) Unincorporated mutual funds.

Taxpayer excludes all individuals, partnerships, corporations, associations, and joint-stock companies, their executors, administrators, and receivers who are defined in Title LVII of the Revised Code as financial institutions, dealers in intangibles, domestic insurance companies, or public utilities, except to the extent they may be required by sections 5711.01 to 5711.36 of the Revised Code, to make returns as fiduciaries, or by section 5725.26 of the Revised Code, to make returns of property leased, or held for the purpose of leasing, to others if the owner or lessor of the property acquired it for the sole purpose of leasing it to others or to the extent that property is taxable

under section 5725.25 of the Revised Code. 26631

(C) "Return" means the taxpayer's annual report of taxable 26632
property. 26633

(D) "List" means the designation, in a return, of the 26634
description of taxable property, the valuation or amount thereof, 26635
the name of the owner, and the taxing district where assessable. 26636

(E) "Taxing district" means, in the case of property 26637
assessable on the classified tax list and duplicate, a municipal 26638
corporation or the territory in a county outside the limits of all 26639
municipal corporations therein; in the case of property assessable 26640
on the general tax list and duplicate, a municipal corporation or 26641
township, or part thereof, in which the aggregate rate of taxation 26642
is uniform. 26643

(F) "Assessor" includes the tax commissioner and the county 26644
auditor as deputy of the commissioner. 26645

(G) "Fiduciary" includes executors, administrators, parents, 26646
guardians, receivers, assignees, official custodians, factors, 26647
bailees, lessees, agents, attorneys, and employees, but does not 26648
include trustees unless the sense so requires. 26649

(H) "General tax list and duplicate" means the books or 26650
records containing the assessments of property subject to local 26651
tax levies. 26652

(I) "Classified tax list and duplicate" means the books or 26653
records containing the assessments of property not subject to 26654
local tax levies. 26655

(J) "Investment company" means any corporation, the shares of 26656
which are regularly offered for sale to the public, engaged solely 26657
in the business of investing and reinvesting funds in real 26658
property or investments, or holding or selling real property or 26659
investments for the purpose of realizing income or profit which is 26660

distributed to its shareholders. Investment company does not 26661
include any dealer in intangibles, as defined in section 5725.01 26662
of the Revised Code. 26663

(K) "Unincorporated mutual fund" means any partnership, each 26664
partner of which is a corporation, engaged solely in the business 26665
of investing and reinvesting funds in investments, or holding or 26666
selling investments for the purpose of realizing income or profit 26667
which is distributed to its partners and which is subject to 26668
Chapter 1707. of the Revised Code. An unincorporated mutual fund 26669
does not include any dealer in intangibles as defined in section 26670
5725.01 of the Revised Code. 26671

Sec. 5725.221. For the purposes of this section, interest 26672
shall be computed at a rate per calendar month, rounded to the 26673
nearest one-hundredth of one per cent, equal to one-twelfth of the 26674
rate per annum prescribed by section 5703.47 of the Revised Code 26675
for the calendar year that includes the month for which the 26676
interest accrues. 26677

(A) When taxes levied by ~~sections~~ section 3737.71, 5707.03 26678
~~and, or~~ 5725.18 of the Revised Code are assessed as the result of 26679
a tax return being filed late, the treasurer of state shall add 26680
interest to the taxes due. The interest shall accrue from the 26681
first day of the month following the last day on which such taxes 26682
were required to be paid, had the assessment been certified by the 26683
date prescribed, to the last day of the month preceding the date 26684
on which the assessment was certified, and shall be computed on 26685
the taxes due. 26686

(B) If an assessment has been certified pursuant to section 26687
5711.13, 5725.08, 5725.16, 5725.20, or ~~5727.15~~ 5725.222 of the 26688
Revised Code and an amended or final assessment is certified for 26689
the same taxpayer and the same tax year, the treasurer of state 26690
shall add interest to the deficiency or excess. The interest shall 26691

be computed on the excess or deficiency, and shall be accrued in the following manner: 26692
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(1) On a deficiency, interest shall accrue from the first day of the month following the last day on which the previous assessment was required to be paid, to the last day of the month preceding the date on which the amended or final assessment is certified; 26694
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(2) On an excess, interest shall be allowed from the first day of the month following the date of payment of the previous assessment, to the last day of the month preceding the date on which the amended or final assessment is certified. 26699
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Sec. 5725.222. (A) An application to refund to a domestic insurance company any taxes imposed by section 3737.71 of the Revised Code or this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal, erroneous, or excessive assessment, with interest thereon as provided by section 5725.221 of the Revised Code, shall be filed with the superintendent of insurance, on the form prescribed by the superintendent, within three years after the date of the illegal, erroneous, or excessive payment of the tax. No refund shall be allowed unless an application has been filed in accordance with this section. The time limit imposed under this division may be extended if both the domestic insurance company and the superintendent of insurance agree in writing to the extension. 26703
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(B) Except as otherwise provided in this division, the superintendent may make an assessment against a domestic insurance company for any deficiency for the period for which a report, tax return, or tax payment is due for any taxes imposed by section 3737.71 of the Revised Code or this chapter, based on any information in the superintendent's possession. No assessment shall be made against a domestic insurance company more than three 26716
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years after the later of the final date the report, tax return, or 26723
tax payment subject to the assessment was required to be filed or 26724
paid, or the date the report or tax return was filed, provided 26725
that there shall be no bar if the domestic insurance company 26726
failed to file the required report or tax return or if the 26727
deficiency results from fraud or any felonious act. The time limit 26728
may be extended if both the domestic insurance company and the 26729
superintendent agree in writing to the extension. For the purposes 26730
of this division, an assessment is made on the date the 26731
notification of the assessment is sent by the department of 26732
insurance or the date of an invoice for the assessment from the 26733
treasurer of state, whichever is earlier. 26734

Sec. 5725.98. (A) To provide a uniform procedure for 26735
calculating the amount of tax imposed by section 5725.18 of the 26736
Revised Code that is due under this chapter, a taxpayer shall 26737
claim any credits and offsets against tax liability to which it is 26738
entitled in the following order: 26739

(1) The credit for an insurance company or insurance company 26740
group under section 5729.031 of the Revised Code. 26741

(2) The credit for eligible employee training costs under 26742
section 5725.31 of the Revised Code. 26743

(3) The credit under section 5725.19 of the Revised Code for 26744
losses on loans made under the Ohio venture capital authority 26745
program under sections 150.01 to 150.10 of the Revised Code if the 26746
taxpayer elected a nonrefundable credit under section 150.07 of 26747
the Revised Code. 26748

(4) The offset of assessments by the Ohio life and health 26749
insurance guaranty association permitted by section 3956.20 of the 26750
Revised Code. 26751

(5) The refundable credit for Ohio job creation under section 26752

<u>5725.32 of the Revised Code.</u>	26753
<u>(6) The credit under section 5729.08 of the Revised Code 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 refundable credit under section 150.07 of the Revised Code.</u>	26754 26755 26756 26757 26758
<u>(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.</u>	26759 26760 26761 26762 26763 26764 26765 26766 26767
Sec. 5727.06. (A) Except as otherwise provided by law, the following constitutes the taxable property of a public utility, interexchange telecommunications company, or public utility property lessor that shall be assessed by the tax commissioner:	26768 26769 26770 26771
(1) For tax years before tax year 2006:	26772
(a) In the case of a railroad company, all real property and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;	26773 26774 26775 26776
(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;	26777 26778 26779 26780 26781 26782

(c) In the case of all other public utilities and	26783
interexchange telecommunications companies, all tangible personal	26784
property that on the thirty-first day of December of the preceding	26785
year was both located in this state and:	26786
(i) Owned by the public utility or interexchange	26787
telecommunications company; or	26788
(ii) Leased by the public utility or interexchange	26789
telecommunications company under a sale and leaseback transaction.	26790
(2) For tax years 2006, 2007, and 2008:	26791
(a) In the case of a railroad company, all real property used	26792
in railroad operations and tangible personal property owned or	26793
operated by the railroad company in this state on the thirty-first	26794
day of December of the preceding year;	26795
(b) In the case of a water transportation company, all	26796
tangible personal property, except watercraft, owned or operated	26797
by the water transportation company in this state on the	26798
thirty-first day of December of the preceding year and all	26799
watercraft owned or operated by the water transportation company	26800
in this state during the preceding calendar year;	26801
(c) In the case of all other public utilities except	26802
telephone and telegraph companies, all tangible personal property	26803
that on the thirty-first day of December of the preceding year was	26804
both located in this state and either owned by the public utility	26805
or leased by the public utility under a sale and leaseback	26806
transaction.	26807
(3) For tax year 2009 and each tax year thereafter:	26808
(a) In the case of a railroad company, all real property used	26809
in railroad operations and tangible personal property owned or	26810
operated by the railroad company in this state on the thirty-first	26811
day of December of the preceding year;	26812

(b) In the case of a water transportation company, all 26813
tangible personal property, except watercraft, owned or operated 26814
by the water transportation company in this state on the 26815
thirty-first day of December of the preceding year and all 26816
watercraft owned or operated by the water transportation company 26817
in this state during the preceding calendar year; 26818

(c) In the case of all other public utilities except 26819
telephone and telegraph companies, all tangible personal property 26820
that on the thirty-first day of December of the preceding year was 26821
both located in this state and either owned by the public utility 26822
or leased by the public utility under a sale and leaseback 26823
transaction; 26824

(d) In the case of a public utility property lessor, all 26825
personal property that on the thirty-first day of December of the 26826
preceding year was both located in this state and leased, in other 26827
than a sale and leaseback transaction, to ~~an interexchange~~ 26828
~~telecommunications company or~~ a public utility other than a 26829
railroad ~~company, telephone, telegraph,~~ or water transportation 26830
company. The assessment rate used under section 5727.111 of the 26831
Revised Code shall be based on the assessment rate that would 26832
apply if the ~~interexchange telecommunications company or~~ public 26833
utility owned the property. 26834

(4) For tax years 2005 and 2006, in the case of telephone, 26835
telegraph, or interexchange telecommunications companies, all 26836
tangible personal property that on the thirty-first day of 26837
December of the preceding year was both located in this state and 26838
either owned by the telephone, telegraph, or interexchange 26839
telecommunications company or leased by the telephone, telegraph, 26840
or interexchange telecommunications company under a sale and 26841
leaseback transaction. 26842

(5) For tax year 2007 and thereafter, in the case of 26843

telephone, telegraph, or interexchange telecommunications 26844
companies, all tangible personal property shall be listed and 26845
assessed for taxation under Chapter 5711. of the Revised Code. 26846

(B) This division applies to tax years before tax year 2007. 26847

In the case of an interexchange telecommunications company, 26848
all taxable property shall be subject to the provisions of this 26849
chapter and shall be valued by the commissioner in accordance with 26850
division (A) of section 5727.11 of the Revised Code. A person 26851
described by this division shall file the report required by 26852
section 5727.08 of the Revised Code. Persons described in this 26853
division shall not be considered taxpayers, as defined in division 26854
(B) of section 5711.01 of the Revised Code, and shall not be 26855
required to file a return and list their taxable property under 26856
any provision of Chapter 5711. of the Revised Code. 26857

(C) The lien of the state for taxes levied each year on the 26858
real and personal property of public utilities and interexchange 26859
telecommunications companies and on the personal property of 26860
public utility property lessors shall attach thereto on the 26861
thirty-first day of December of the preceding year. 26862

(D) Property that is required by division (A)(3)(b) of this 26863
section to be assessed by the tax commissioner under this chapter 26864
shall not be listed by the owner of the property under Chapter 26865
5711. of the Revised Code. 26866

(E) The tax commissioner may adopt rules governing the 26867
listing of the taxable property of public utilities and 26868
interexchange telecommunications companies and the determination 26869
of true value. 26870

Sec. 5727.85. (A) By the thirty-first day of July of each 26871
year, beginning in 2002 and ending in 2016, the department of 26872
education shall determine the following for each school district 26873

and each joint vocational school district eligible for payment 26874
under division (C) or (D) of this section: 26875

(1) The state education aid offset, which is the difference 26876
obtained by subtracting the amount described in division (A)(1)(b) 26877
of this section from the amount described in division (A)(1)(a) of 26878
this section: 26879

(a) The state education aid computed for the school district 26880
or joint vocational school district for the current fiscal year as 26881
of the thirty-first day of July; 26882

(b) The state education aid that would be computed for the 26883
school district or joint vocational school district for the 26884
current fiscal year as of the thirty-first day of July if the 26885
recognized valuation included the tax value loss for the school 26886
district or joint vocational school district. 26887

(2) The greater of zero or the difference obtained by 26888
subtracting the state education aid offset determined under 26889
division (A)(1) of this section from the fixed-rate levy loss 26890
certified under division (J) of section 5727.84 of the Revised 26891
Code for all taxing districts in each school district and joint 26892
vocational school district. 26893

By the fifth day of August of each such year, the department 26894
of education shall certify the amount so determined under division 26895
(A)(1) of this section to the director of budget and management. 26896

(B) Not later than the thirty-first day of October of the 26897
years 2006 through 2016, the department of education shall 26898
determine all of the following for each school district: 26899

(1) The amount obtained by subtracting the district's state 26900
education aid computed for fiscal year 2002 from the district's 26901
state education aid computed for the current fiscal year; 26902

(2) The inflation-adjusted property tax loss. The 26903

inflation-adjusted property tax loss equals the fixed-rate levy loss, excluding the tax loss from levies within the ten-mill limitation to pay debt charges, determined under division (G) of section 5727.84 of the Revised Code for all taxing districts in each school district, plus the product obtained by multiplying that loss by the cumulative percentage increase in the consumer price index from January 1, 2002, to the thirtieth day of June of the current year.

(3) The difference obtained by subtracting the amount computed under division (B)(1) from the amount of the inflation-adjusted property tax loss. If this difference is zero or a negative number, no further payments shall be made under division (C) of this section to the school district from the school district property tax replacement fund.

(C) The department of education shall pay from the school district property tax replacement fund to each school district all of the following:

(1) In February 2002, one-half of the fixed-rate levy loss certified under division (J) of section 5727.84 of the Revised Code between the twenty-first and twenty-eighth days of February.

(2) From August 2002 through August ~~2006~~ 2017, one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February, provided the difference computed under division (B)(3) of this section is not less than or equal to zero.

~~(3) From February 2007 through August 2016, one half of the amount calculated for that calendar year under division (B)(3) of this section between the twenty first and twenty eighth days of August and of February.~~

~~(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax~~

value losses, and in tax year 1999 in the case of natural gas 26935
company tax value losses, payments shall be made equal to one 26936
hundred per cent of the loss computed as if the tax were a 26937
fixed-rate levy, but those payments shall extend from fiscal year 26938
2006 through fiscal year 2016. 26939

The department of education shall report to each school 26940
district the apportionment of the payments among the school 26941
district's funds based on the certifications under division (J) of 26942
section 5727.84 of the Revised Code. 26943

(D) Not later than January 1, 2002, for all taxing districts 26944
in each joint vocational school district, the tax commissioner 26945
shall certify to the department of education the fixed-rate levy 26946
loss determined under division (G) of section 5727.84 of the 26947
Revised Code. From February 2002 to August 2016, the department 26948
shall pay from the school district property tax replacement fund 26949
to the joint vocational school district one-half of the amount 26950
calculated for that fiscal year under division (A)(2) of this 26951
section between the twenty-first and twenty-eighth days of August 26952
and of February. 26953

(E)(1) Not later than January 1, 2002, for each fixed-sum 26954
levy levied by each school district or joint vocational school 26955
district and for each year for which a determination is made under 26956
division (H) of section 5727.84 of the Revised Code that a 26957
fixed-sum levy loss is to be reimbursed, the tax commissioner 26958
shall certify to the department of education the fixed-sum levy 26959
loss determined under that division. The certification shall cover 26960
a time period sufficient to include all fixed-sum levies for which 26961
the tax commissioner made such a determination. The department 26962
shall pay from the school district property tax replacement fund 26963
to the school district or joint vocational school district 26964
one-half of the fixed-sum levy loss so certified for each year 26965
between the twenty-first and twenty-eighth days of August and of 26966

February. 26967

(2) Beginning in 2003, by the thirty-first day of January of 26968
each year, the tax commissioner shall review the certification 26969
originally made under division (E)(1) of this section. If the 26970
commissioner determines that a debt levy that had been scheduled 26971
to be reimbursed in the current year has expired, a revised 26972
certification for that and all subsequent years shall be made to 26973
the department of education. 26974

(F) If the balance of the half-mill equalization fund created 26975
under section 3318.18 of the Revised Code is insufficient to make 26976
the full amount of payments required under division (D) of that 26977
section, the department of education, at the end of the third 26978
quarter of the fiscal year, shall certify to the director of 26979
budget and management the amount of the deficiency, and the 26980
director shall transfer an amount equal to the deficiency from the 26981
school district property tax replacement fund to the half-mill 26982
equalization fund. 26983

(G) Beginning in August 2002, and ending in May 2017, the 26984
director of budget and management shall transfer from the school 26985
district property tax replacement fund to the general revenue fund 26986
each of the following: 26987

(1) Between the twenty-eighth day of August and the fifth day 26988
of September, the lesser of one-half of the amount certified for 26989
that fiscal year under division (A)(2) of this section or the 26990
balance in the school district property tax replacement fund; 26991

(2) Between the first and fifth days of May, the lesser of 26992
one-half of the amount certified for that fiscal year under 26993
division (A)(2) of this section or the balance in the school 26994
district property tax replacement fund. 26995

(H) On the first day of June each year, the director of 26996
budget and management shall transfer any balance remaining in the 26997

school district property tax replacement fund after the payments 26998
have been made under divisions (C), (D), (E), (F), and (G) of this 26999
section to the half-mill equalization fund created under section 27000
3318.18 of the Revised Code. 27001

(I) From fiscal year 2002 through fiscal year 2016, if the 27002
total amount in the school district property tax replacement fund 27003
is insufficient to make all payments under divisions (C), (D), 27004
(E), and (F) of this section at the time the payments are to be 27005
made, the director of budget and management shall transfer from 27006
the general revenue fund to the school district property tax 27007
replacement fund the difference between the total amount to be 27008
paid and the total amount in the school district property tax 27009
replacement fund, except that no transfer shall be made by reason 27010
of a deficiency to the extent that it results from the amendment 27011
of section 5727.84 of the Revised Code by Amended Substitute House 27012
Bill No. 95 of the 125th general assembly. 27013

(J) If all of the territory of a school district or joint 27014
vocational school district is merged with an existing district, or 27015
if a part of the territory of a school district or joint 27016
vocational school district is transferred to an existing or new 27017
district, the department of education, in consultation with the 27018
tax commissioner, shall adjust the payments made under this 27019
section as follows: 27020

(1) For the merger of all of the territory of two or more 27021
districts, the fixed-rate levy loss and the fixed-sum levy loss of 27022
the successor district shall be equal to the sum of the fixed-rate 27023
levy losses and the fixed-sum levy losses for each of the 27024
districts involved in the merger. 27025

(2) For the transfer of a part of one district's territory to 27026
an existing district, the amount of the fixed-rate levy loss that 27027
is transferred to the recipient district shall be an amount equal 27028

to the transferring district's total fixed-rate levy loss times a
fraction, the numerator of which is the value of electric company
tangible personal property located in the part of the territory
that was transferred, and the denominator of which is the total
value of electric company tangible personal property located in
the entire district from which the territory was transferred. The
value of electric company tangible personal property under this
division shall be determined for the most recent year for which
data is available. Fixed-sum levy losses for both districts shall
be determined under division (J)(4) of this section.

(3) For the transfer of a part of the territory of one or
more districts to create a new district:

(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.

(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.

(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 27060
territory was transferred, and any of the districts transferring 27061
the territory had fixed-sum levy losses, the department of 27062
education, in consultation with the tax commissioner, shall make 27063
an equitable division of the fixed-sum levy losses. 27064

(K) There is hereby created the public utility property tax 27065
study committee, effective January 1, 2011. The committee shall 27066
consist of the following seven members: the tax commissioner, 27067
three members of the senate appointed by the president of the 27068
senate, and three members of the house of representatives 27069
appointed by the speaker of the house of representatives. The 27070
appointments shall be made not later than January 31, 2011. The 27071
tax commissioner shall be the chairperson of the committee. 27072

The committee shall study the extent to which each school 27073
district or joint vocational school district has been compensated, 27074
under sections 5727.84 and 5727.85 of the Revised Code as enacted 27075
by Substitute Senate Bill No. 3 of the 123rd general assembly and 27076
any subsequent acts, for the property tax loss caused by the 27077
reduction in the assessment rates for natural gas, electric, and 27078
rural electric company tangible personal property. Not later than 27079
June 30, 2011, the committee shall issue a report of its findings, 27080
including any recommendations for providing additional 27081
compensation for the property tax loss or regarding remedial 27082
legislation, to the president of the senate and the speaker of the 27083
house of representatives, at which time the committee shall cease 27084
to exist. 27085

The department of taxation and department of education shall 27086
provide such information and assistance as is required for the 27087
committee to carry out its duties. 27088

Sec. 5729.05. ~~On or before October 15, 1965 and on~~ or before 27089
the fifteenth day of October each ~~succeeding~~ year, each foreign 27090

insurance company shall pay to the treasurer of state an amount 27091
equal to one-half of the previous calendar year's tax, before 27092
credits, which was assessed and paid under section ~~5729.03~~ 3737.71 27093
of the Revised Code and this chapter. This payment shall be 27094
considered as a partial payment of the tax upon the business done 27095
in this state during the calendar year in which the payment date 27096
provided by this paragraph is contained. 27097

At the time of filing its annual statement, each foreign 27098
insurance company shall pay to the treasurer of state the tax 27099
assessable under section ~~5729.03~~ 3737.71 of the Revised Code and 27100
this chapter, calculated by such company from such annual 27101
statement. The company may deduct the part of such tax already 27102
paid as a partial payment. 27103

The superintendent shall determine the correctness of the 27104
reports and statements of insurance companies, compute the annual 27105
tax ~~provided for in such sections~~, and, on or before the fifteenth 27106
day of May, prepare and furnish to the treasurer of state lists of 27107
all taxable companies, showing as to each company the whole amount 27108
of the annual tax computed by ~~him~~ the superintendent. The 27109
treasurer of state, after deducting the tax already paid, shall 27110
promptly notify each such company of any amount due, which amount 27111
shall be paid by each such company to the treasurer of state by 27112
the fifteenth day of June next succeeding. If a company has for 27113
any reason overpaid or was illegally or erroneously assessed or 27114
charged for collection a larger amount of tax than its annual tax 27115
as computed by the superintendent of insurance and an application 27116
for refund was timely filed under section 5729.102 of the Revised 27117
Code, a refund of the excess amount shall be paid from the tax 27118
refund fund created by section 5703.052 of the Revised Code. 27119

Sec. 5729.101. For the purposes of this section, interest 27120
shall be computed at a rate per calendar month, rounded to the 27121

nearest one-hundredth of one per cent, equal to one-twelfth of the 27122
rate per annum prescribed by section 5703.47 of the Revised Code 27123
for the calendar year that includes the month for which the 27124
interest accrues. 27125

(A) When taxes levied by this chapter or by section 3737.71 27126
of the Revised Code are assessed as the result of a tax return 27127
being filed late, the treasurer of state shall add interest to the 27128
taxes due. The interest shall accrue from the first day of the 27129
month following the last day on which the taxes were required to 27130
be paid had the assessment been certified by the date prescribed, 27131
to the last day of the month preceding the date on which the 27132
assessment was certified, and shall be computed on the basis of 27133
the taxes due. 27134

(B) If an assessment has been certified pursuant to this 27135
chapter and an amended or final assessment is certified for the 27136
same taxpayer and the same tax year, the treasurer of state shall 27137
add interest to the deficiency or excess. The interest shall be 27138
computed on the excess or deficiency and shall accrue as follows: 27139

(1) On a deficiency, interest shall accrue from the first day 27140
of the month following the last day on which the previous 27141
assessment was required to be paid to the last day of the month 27142
preceding the date on which the amended or final assessment is 27143
certified. 27144

(2) On an excess, interest shall be allowed from the first 27145
day of the month following the date of payment of the previous 27146
assessment to the last day of the month preceding the date on 27147
which the amended or final assessment is certified. 27148

Sec. 5729.102. (A) An application to refund to a foreign 27149
insurance company any taxes imposed by section 3737.71 of the 27150
Revised Code or this chapter that are overpaid, paid illegally or 27151

erroneously, or paid on any illegal, erroneous, or excessive 27152
assessment, with interest thereon as provided by section 5729.101 27153
of the Revised Code, shall be filed with the superintendent of 27154
insurance, on the form prescribed by the superintendent, within 27155
three years after the date of the illegal, erroneous, or excessive 27156
payment of the tax. No refund shall be allowed unless an 27157
application has been filed in accordance with this section. The 27158
time limit imposed under this division may be extended if both the 27159
foreign insurance company and the superintendent of insurance 27160
agree in writing to the extension. 27161

(B) Except as otherwise provided in this division, the 27162
superintendent may make an assessment against a foreign insurance 27163
company for any deficiency for the period for which a report, tax 27164
return, or tax payment is due for any taxes imposed by section 27165
3737.71 of the Revised Code or this chapter, based on any 27166
information in the superintendent's possession. No assessment 27167
shall be made against a foreign insurance company more than three 27168
years after the later of the final date the report, tax return, or 27169
tax payment subject to the assessment was required to be filed or 27170
paid, or the date the report or tax return was filed, provided 27171
that there shall be no bar if the foreign insurance company failed 27172
to file the required report or tax return or if the deficiency 27173
results from fraud or any felonious act. The time limit may be 27174
extended if both the foreign insurance company and the 27175
superintendent agree in writing to the extension. For the purposes 27176
of this division, an assessment is made on the date the 27177
notification of the assessment is sent by the department of 27178
insurance or the date of an invoice for the assessment from the 27179
treasurer of state, whichever is earlier. 27180

Sec. 5729.98. (A) To provide a uniform procedure for 27181
calculating the amount of tax due under this chapter, a taxpayer 27182

<u>shall claim any credits and offsets against tax liability to which</u>	27183
<u>it is entitled in the following order:</u>	27184
<u>(1) The credit for an insurance company or insurance company</u>	27185
<u>group under section 5729.031 of the Revised Code.</u>	27186
<u>(2) The credit for eligible employee training costs under</u>	27187
<u>section 5729.07 of the Revised Code.</u>	27188
<u>(3) The credit under section 5729.08 of the Revised Code for</u>	27189
<u>losses on loans made under the Ohio venture capital program under</u>	27190
<u>sections 150.01 to 150.10 of the Revised Code if the taxpayer</u>	27191
<u>elected a nonrefundable credit under section 150.07 of the Revised</u>	27192
<u>Code.</u>	27193
<u>(4) The offset of assessments by the Ohio life and health</u>	27194
<u>insurance guaranty association against tax liability permitted by</u>	27195
<u>section 3956.20 of the Revised Code.</u>	27196
<u>(5) The refundable credit for Ohio job creation under section</u>	27197
<u>5729.032 of the Revised Code.</u>	27198
<u>(6) The credit under section 5729.08 of the Revised Code for</u>	27199
<u>losses on loans made under the Ohio venture capital program under</u>	27200
<u>sections 150.01 to 150.10 of the Revised Code if the taxpayer</u>	27201
<u>elected a refundable credit under section 150.07 of the Revised</u>	27202
<u>Code.</u>	27203
<u>(B) For any credit except the credits enumerated in divisions</u>	27204
<u>(A)(5) and (6) of this section, the amount of the credit for a</u>	27205
<u>taxable year shall not exceed the tax due after allowing for any</u>	27206
<u>other credit that precedes it in the order required under this</u>	27207
<u>section. Any excess amount of a particular credit may be carried</u>	27208
<u>forward if authorized under the section creating that credit.</u>	27209
<u>Nothing in this chapter shall be construed to allow a taxpayer to</u>	27210
<u>claim, directly or indirectly, a credit more than once for a</u>	27211
<u>taxable year.</u>	27212

Sec. 5733.01. (A) The tax provided by this chapter for 27213
domestic corporations shall be the amount charged against each 27214
corporation organized for profit under the laws of this state and 27215
each nonprofit corporation organized pursuant to Chapter 1729. of 27216
the Revised Code, except as provided in sections 5733.09 and 27217
5733.10 of the Revised Code, for the privilege of exercising its 27218
franchise during the calendar year in which that amount is 27219
payable, and the tax provided by this chapter for foreign 27220
corporations shall be the amount charged against each corporation 27221
organized for profit and each nonprofit corporation organized or 27222
operating in the same or similar manner as nonprofit corporations 27223
organized under Chapter 1729. of the Revised Code, under the laws 27224
of any state or country other than this state, except as provided 27225
in sections 5733.09 and 5733.10 of the Revised Code, for the 27226
privilege of doing business in this state, owning or using a part 27227
or all of its capital or property in this state, holding a 27228
certificate of compliance with the laws of this state authorizing 27229
it to do business in this state, or otherwise having nexus in or 27230
with this state under the Constitution of the United States, 27231
during the calendar year in which that amount is payable. 27232

(B) A corporation is subject to the tax imposed by section 27233
5733.06 of the Revised Code for each calendar year that it is so 27234
organized, doing business, owning or using a part or all of its 27235
capital or property, holding a certificate of compliance, or 27236
otherwise having nexus in or with this state under the 27237
Constitution of the United States, on the first day of January of 27238
that calendar year. 27239

(C) Any corporation subject to this chapter that is not 27240
subject to the federal income tax shall file its returns and 27241
compute its tax liability as required by this chapter in the same 27242
manner as if that corporation were subject to the federal income 27243

tax.	27244
(D) For purposes of this chapter, a federally chartered	27245
financial institution shall be deemed to be organized under the	27246
laws of the state within which its principal office is located.	27247
(E) For purposes of this chapter, any person, as defined in	27248
section 5701.01 of the Revised Code, shall be treated as a	27249
corporation if the person is classified for federal income tax	27250
purposes as an association taxable as a corporation, and an equity	27251
interest in the person shall be treated as capital stock of the	27252
person.	27253
(F) For the purposes of this chapter, "disregarded entity"	27254
has the same meaning as in division (D) of section 5745.01 of the	27255
Revised Code.	27256
(1) A person's interest in a disregarded entity, whether held	27257
directly or indirectly, shall be treated as the person's ownership	27258
of the assets and liabilities of the disregarded entity, and the	27259
income, including gain or loss, shall be included in the person's	27260
net income under this chapter.	27261
(2) Any sale, exchange, or other disposition of the person's	27262
interest in the disregarded entity, whether held directly or	27263
indirectly, shall be treated as a sale, exchange, or other	27264
disposition of the person's share of the disregarded entity's	27265
underlying assets or liabilities, and the gain or loss from such	27266
sale, exchange, or disposition shall be included in the person's	27267
net income under this chapter.	27268
(3) The disregarded entity's payroll, property, and sales	27269
factors shall be included in the person's factors.	27270
(G) The tax a corporation is required to pay under this	27271
chapter shall be as follows:	27272
(1)(a) For financial institutions, the greater of the minimum	27273

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:

(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;

(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)~~, and (34) of section 5733.98

of the Revised Code; 27305

(iii) For tax year 2007, the greater of the minimum payment 27306
required under division (E) of section 5733.06 of the Revised Code 27307
or three-fifths of the difference between all taxes charged the 27308
corporation under this chapter and any credits allowable against 27309
such tax except the qualifying pass-through entity tax credit 27310
described in division (A)(30) and the refundable credits described 27311
in divisions (A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 27312
of the Revised Code; 27313

(iv) For tax year 2008, the greater of the minimum payment 27314
required under division (E) of section 5733.06 of the Revised Code 27315
or two-fifths of the difference between all taxes charged the 27316
corporation under this chapter and any credits allowable against 27317
such tax except the qualifying pass-through entity tax credit 27318
described in division (A)(30) and the refundable credits described 27319
in divisions (A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 27320
of the Revised Code; 27321

(v) For tax year 2009, the greater of the minimum payment 27322
required under division (E) of section 5733.06 of the Revised Code 27323
or one-fifth of the difference between all taxes charged the 27324
corporation under this chapter and any credits allowable against 27325
such tax except the qualifying pass-through entity tax credit 27326
described in division (A)(30) and the refundable credits described 27327
in divisions (A)(31), (32), and (33) of section 5733.98 of the 27328
Revised Code; 27329

(vi) For tax year 2010 and each tax year thereafter, no tax. 27330

(b) A corporation shall subtract from the amount calculated 27331
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 27332
any qualifying pass-through entity tax credit described in 27333
division (A)(30) and any refundable credits described in divisions 27334
(A)(31), (32), ~~and (33)~~, and (34) of section 5733.98 of the 27335

Revised Code to which the corporation is entitled. Any unused 27336
qualifying pass-through entity tax credit is not refundable. 27337

(c) For the purposes of computing the amount of a credit that 27338
may be carried forward to a subsequent tax year under division 27339
(G)(2) of this section, a credit is utilized against the tax for a 27340
tax year to the extent the credit applies against the tax for that 27341
tax year, even if the difference is then multiplied by the 27342
applicable fraction under division (G)(2)(a) of this section. 27343

(3) Nothing in division (G) of this section eliminates or 27344
reduces the tax imposed by section 5733.41 of the Revised Code on 27345
a qualifying pass-through entity. 27346

Sec. 5733.352. (A) As used in this section: 27347

(1) "Borrower" means any person that receives a loan from the 27348
director of development under section 166.21 of the Revised Code, 27349
regardless of whether the borrower is subject to the taxes imposed 27350
by sections 5733.06, 5733.065, and 5733.066 of the Revised Code. 27351

(2) "Related member" has the same meaning as in section 27352
5733.042 of the Revised Code. 27353

(3) "Qualified research and development loan payments" has 27354
the same meaning as in division (D) of section 166.21 of the 27355
Revised Code. 27356

(B) Beginning with tax year 2004, and in the case of a 27357
corporation subject to division (G)(2) of section 5733.01 of the 27358
Revised Code ending with tax year 2008, a nonrefundable credit is 27359
allowed against the taxes imposed by sections 5733.06, 5733.065, 27360
and 5733.066 of the Revised Code equal to a borrower's qualified 27361
research and development loan payments made during the calendar 27362
year immediately preceding the tax year for which the credit is 27363
claimed. The amount of the credit for a tax year shall not exceed 27364
one hundred fifty thousand dollars. No taxpayer is entitled to 27365

claim a credit under this section unless it has obtained a
certificate issued by the director of development under division
(D) of section 166.21 of the Revised Code and submits a copy of
the certificate with its report for the taxable year. Failure to
submit a copy of the certificate with the report does not
invalidate a claim for a credit if the taxpayer submits a copy of
the certificate within sixty days after the tax commissioner
requests it. The credit shall be claimed in the order required
under section 5733.98 of the Revised Code. The credit, to the
extent it exceeds the taxpayer's tax liability for the tax year
after allowance for any other credits that precede the credit
under this section in that order, shall be carried forward to the
next succeeding tax year or years until fully used. A corporation
subject to division (G)(2) of section 5733.01 of the Revised Code
may carry forward any credit not fully utilized by tax year 2008
and apply it against the tax levied by Chapter 5751. of the
Revised Code to the extent allowed under section 5751.52 of the
Revised Code.

(C) A borrower entitled to a credit under this section may
assign the credit, or a portion thereof, to any of the following:

(1) A related member of that borrower;

(2) The owner or lessee of the eligible research and
development project;

(3) A related member of the owner or lessee of the eligible
research and development project.

A borrower making an assignment under this division shall
provide written notice of the assignment to the tax commissioner
and the director of development, in such form as the tax
commissioner prescribes, before the credit that was assigned is
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. 27397

(D) If any taxpayer is a partner in a partnership or a member 27398
in a limited liability company treated as a partnership for 27399
federal income tax purposes, the taxpayer shall be allowed the 27400
taxpayer's distributive or proportionate share of the credit 27401
available through the partnership or limited liability company. 27402

(E) The aggregate credit against the taxes imposed by 27403
sections 5733.06, 5733.065, 5733.066, and 5747.02 of the Revised 27404
Code that may be claimed under this section and section 5747.331 27405
of the Revised Code by a borrower as a result of qualified 27406
research and development loan payments attributable during a 27407
calendar year to any one loan shall not exceed one hundred fifty 27408
thousand dollars. 27409

Sec. 5733.56. ~~Beginning in (A)(1) For~~ tax year 2005, a 27410
~~telephone company taxpayer~~ that provides any telephone service 27411
program to aid the communicatively impaired in accessing the 27412
telephone network under section 4905.79 of the Revised Code is 27413
allowed a nonrefundable credit against the tax imposed by section 27414
5733.06 of the Revised Code. The amount of the credit is the cost 27415
incurred by the ~~company taxpayer~~ for providing the telephone 27416
service program during its taxable year, excluding any costs 27417
incurred prior to July 1, 2004. ~~If the tax commissioner determines~~ 27418
~~that the credit claimed under this section by a telephone company~~ 27419
~~was not correct, the commissioner shall determine the proper~~ 27420
~~credit.~~ 27421

(2) A telephone company taxpayer shall claim the credit under 27422
division (A)(1) of this section in the order required by section 27423
5733.98 of the Revised Code. If the credit exceeds the total taxes 27424
due under section 5733.06 of the Revised Code for the tax year, 27425
after allowance for any other credits preceding this credit in the 27426
order set forth in section 5733.98 of the Revised Code, the 27427

commissioner shall credit the excess against taxes due under ~~that~~ 27428
section 5733.06 of the Revised Code for succeeding tax years until 27429
the full amount of the credit is granted. ~~Nothing~~ 27430

(B) For each of tax years 2006, 2007, and 2008, a taxpayer 27431
that provides any telephone service program to aid the 27432
communicatively impaired in accessing the telephone network under 27433
section 4905.79 of the Revised Code is allowed a refundable credit 27434
against the tax imposed by section 5733.06 of the Revised Code. 27435
For each tax year, the amount of the credit is the cost incurred 27436
by the taxpayer during that tax year's taxable year for providing 27437
the telephone service program. No cost incurred with respect to 27438
the credit that is allowable for a tax year shall be considered 27439
for purposes of computing the credit allowable for any other tax 27440
year. 27441

(C) If the tax commissioner ascertains that any credit 27442
claimed pursuant to this section by a taxpayer was not correct, 27443
the commissioner shall ascertain the proper credit. No cost 27444
incurred after December 31, 2007, shall be considered for purposes 27445
of computing any credit allowed by this section. 27446

(D) Nothing in this section authorizes a ~~telephone company~~ 27447
taxpayer to claim a credit under this section for any costs 27448
incurred ~~for~~ in providing a telephone service program for which it 27449
is either claiming a credit under former section 5727.44 of the 27450
Revised Code or receiving reimbursement for its costs under any 27451
other provision of the Revised Code. 27452

Sec. 5733.98. (A) To provide a uniform procedure for 27453
calculating the amount of tax imposed by section 5733.06 of the 27454
Revised Code that is due under this chapter, a taxpayer shall 27455
claim any credits to which it is entitled in the following order, 27456
except as otherwise provided in section 5733.058 of the Revised 27457
Code: 27458

(1) For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	27459 27460 27461
(2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;	27462 27463
(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	27464 27465
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	27466 27467
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	27468 27469
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	27470 27471
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	27472 27473
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	27474 27475
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	27476 27477
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	27478 27479
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	27480 27481
(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;	27482 27483 27484 27485
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the	27486 27487

Revised Code;	27488
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	27489 27490
(15) The job training credit under section 5733.42 of the Revised Code;	27491 27492
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	27493 27494
(17) The enterprise zone credit under section 5709.66 of the Revised Code;	27495 27496
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	27497 27498
(19) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	27499 27500
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	27501 27502
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	27503 27504
(22) The export sales credit under section 5733.069 of the Revised Code;	27505 27506
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	27507 27508
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	27509 27510
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	27511 27512
(26) The credit for small telephone companies under section 5733.57 of the Revised Code;	27513 27514
(27) The credit for eligible nonrecurring 9-1-1 charges under	27515

section 5733.55 of the Revised Code;	27516
(28) <u>The For tax year 2005, the</u> credit for providing programs	27517
to aid the communicatively impaired under <u>division (A) of</u> section	27518
5733.56 of the Revised Code;	27519
(29) The research and development credit under section	27520
5733.352 of the Revised Code;	27521
(30) For tax years 2006 and subsequent tax years, the credit	27522
for taxes paid by a qualifying pass-through entity allowed under	27523
section 5733.0611 of the Revised Code;	27524
(31) The refundable jobs creation credit under division (A)	27525
of section 5733.0610 of the Revised Code;	27526
(32) The refundable credit for tax withheld under division	27527
(B)(2) of section 5747.062 of the Revised Code;	27528
(33) The credit for losses on loans made to the Ohio venture	27529
capital program under sections 150.01 to 150.10 of the Revised	27530
Code if the taxpayer elected a refundable credit under section	27531
150.07 of the Revised Code;	27532
<u>(34) For tax years 2006, 2007, and 2008, the refundable</u>	27533
<u>credit allowable under division (B) of section 5733.56 of the</u>	27534
<u>Revised Code.</u>	27535
(B) For any credit except the credits enumerated in divisions	27536
(A) (31), (32), and (33), <u>and</u> (34) of this section, the amount of	27537
the credit for a tax year shall not exceed the tax due after	27538
allowing for any other credit that precedes it in the order	27539
required under this section. Any excess amount of a particular	27540
credit may be carried forward if authorized under the section	27541
creating that credit.	27542
Sec. 5735.27. (A) There is hereby created in the state	27543
treasury the gasoline excise tax fund, which shall be distributed	27544

in the following manner: 27545

(1) The amount credited pursuant to divisions (B)(2)(a) and 27546
(C)(2)(a) of section 5735.23 of the Revised Code shall be 27547
distributed among municipal corporations. The amount paid to each 27548
municipal corporation shall be that proportion of the amount to be 27549
so distributed that the number of motor vehicles registered within 27550
the municipal corporation bears to the total number of motor 27551
vehicles registered within all the municipal corporations of this 27552
state during the preceding motor vehicle registration year. When a 27553
new village is incorporated, the registrar of motor vehicles shall 27554
determine from the applications on file in the bureau of motor 27555
vehicles the number of motor vehicles located within the territory 27556
comprising the village during the entire registration year in 27557
which the municipal corporation was incorporated. The registrar 27558
shall forthwith certify the number of motor vehicles so determined 27559
to the tax commissioner for use in distributing motor vehicle fuel 27560
tax funds to the village until the village is qualified to 27561
participate in the distribution of the funds pursuant to this 27562
division. The number of motor vehicle registrations shall be 27563
determined by the official records of the bureau of motor 27564
vehicles. The amount received by each municipal corporation shall 27565
be used to plan, construct, reconstruct, repave, widen, maintain, 27566
repair, clear, and clean public highways, roads, and streets; to 27567
maintain and repair bridges and viaducts; to purchase, erect, and 27568
maintain street and traffic signs and markers; to pay the costs 27569
apportioned to the municipal corporation under section 4907.47 of 27570
the Revised Code; to purchase, erect, and maintain traffic lights 27571
and signals; to pay the principal, interest, and charges on bonds 27572
and other obligations issued pursuant to Chapter 133. of the 27573
Revised Code or incurred pursuant to section 5531.09 of the 27574
Revised Code for the purpose of acquiring or constructing roads, 27575
highways, bridges, or viaducts or acquiring or making other 27576
highway improvements for which the municipal corporation may issue 27577

bonds; and to supplement revenue already available for these 27578
purposes. 27579

(2) The amount credited pursuant to division (B) of section 27580
5735.26 of the Revised Code shall be distributed among the 27581
municipal corporations within the state, in the proportion which 27582
the number of motor vehicles registered within each municipal 27583
corporation bears to the total number of motor vehicles registered 27584
within all the municipal corporations of the state during the 27585
preceding calendar year, as shown by the official records of the 27586
bureau of motor vehicles, and shall be expended by each municipal 27587
corporation to plan, construct, reconstruct, repave, widen, 27588
maintain, repair, clear, and clean public highways, roads and 27589
streets; to maintain and repair bridges and viaducts; to purchase, 27590
erect, and maintain street and traffic signs and markers; to 27591
purchase, erect, and maintain traffic lights and signals; to pay 27592
costs apportioned to the municipal corporation under section 27593
4907.47 of the Revised Code; to pay the principal, interest, and 27594
charges on bonds and other obligations issued pursuant to Chapter 27595
133. of the Revised Code or incurred pursuant to section 5531.09 27596
of the Revised Code for the purpose of acquiring or constructing 27597
roads, highways, bridges, or viaducts or acquiring or making other 27598
highway improvements for which the municipal corporation may issue 27599
bonds; and to supplement revenue already available for these 27600
purposes. 27601

(3) The amount credited pursuant to divisions (B)(2)(b) and 27602
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 27603
equal proportions to the county treasurer of each county within 27604
the state and shall be used only for the purposes of planning, 27605
maintaining, and repairing the county system of public roads and 27606
highways within the county; the planning, construction, and repair 27607
of walks or paths along county roads in congested areas; the 27608
planning, construction, purchase, lease, and maintenance of 27609

suitable buildings for the housing and repair of county road 27610
machinery, housing of supplies, and housing of personnel 27611
associated with the machinery and supplies; the payment of costs 27612
apportioned to the county under section 4907.47 of the Revised 27613
Code; the payment of principal, interest, and charges on bonds and 27614
other obligations issued pursuant to Chapter 133. of the Revised 27615
Code or incurred pursuant to section 5531.09 of the Revised Code 27616
for the purpose of acquiring or constructing roads, highways, 27617
bridges, or viaducts or acquiring or making other highway 27618
improvements for which the board of county commissioners may issue 27619
bonds under that chapter; and the purchase, installation, and 27620
maintenance of traffic signal lights. 27621

(4) The amount credited pursuant to division (C) of section 27622
5735.26 of the Revised Code shall be paid in equal proportions to 27623
the county treasurer of each county for the purposes of planning, 27624
maintaining, constructing, widening, and reconstructing the county 27625
system of public roads and highways; paying principal, interest, 27626
and charges on bonds and other obligations issued pursuant to 27627
Chapter 133. of the Revised Code or incurred pursuant to section 27628
5531.09 of the Revised Code for the purpose of acquiring or 27629
constructing roads, highways, bridges, or viaducts or acquiring or 27630
making other highway improvements for which the board of county 27631
commissioners may issue bonds under that chapter; and paying costs 27632
apportioned to the county under section 4907.47 of the Revised 27633
Code. 27634

(5)(a) The amount credited pursuant to division (D) of 27635
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 27636
Revised Code shall be divided in equal proportions among the 27637
townships within the state. 27638

(b) As used in division (A)(5)(b) of this section, the 27639
"formula amount" for any township is the amount that would be 27640
allocated to that township if fifty per cent of the amount 27641

credited to townships pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of lane miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of the amount credited pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles.

Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(5)(b) of this section shall be deducted, in accordance with division (B) of section 5735.291 of the Revised Code, from the revenues resulting from the tax levied pursuant to section 5735.29 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (A)(5)(a) and (b) of this section shall be paid to the county treasurer of each

county for the total amount payable to the townships within each 27673
of the counties. The county treasurer shall pay to each township 27674
within the county its proportional share of the funds, which shall 27675
be expended by each township ~~for the sole purpose~~ only for the 27676
purposes of planning, constructing, maintaining, widening, and 27677
reconstructing the public roads and highways within the township, 27678
paying principal, interest, and charges on obligations incurred 27679
pursuant to section 5531.09 of the Revised Code, and paying costs 27680
apportioned to the township under section 4907.47 of the Revised 27681
Code. 27682

No part of the funds designated for road and highway purposes 27683
shall be used for any purpose except to pay in whole or part the 27684
contract price of any such work done by contract, or to pay the 27685
cost of labor in planning, constructing, widening, and 27686
reconstructing such roads and highways, and the cost of materials 27687
forming a part of the improvement; provided that the funds may be 27688
used for the purchase of road machinery and equipment and for the 27689
planning, construction, and maintenance of suitable buildings for 27690
housing road machinery and equipment, and that all such 27691
improvement of roads shall be under supervision and direction of 27692
the county engineer as provided in section 5575.07 of the Revised 27693
Code. No obligation against the funds shall be incurred unless 27694
plans and specifications for the improvement, approved by the 27695
county engineer, are on file in the office of the township fiscal 27696
officer, and all contracts for material and for work done by 27697
contract shall be approved by the county engineer before being 27698
signed by the board of township trustees. The board of township 27699
trustees of any township may pass a resolution permitting the 27700
board of county commissioners to expend the township's share of 27701
the funds, or any portion of it, for the improvement of the roads 27702
within the township as may be designated in the resolution. 27703

All investment earnings of the fund shall be credited to the 27704

fund. 27705

(B) Amounts credited to the highway operating fund pursuant 27706
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 27707
division (A) of section 5735.26 of the Revised Code shall be 27708
expended in the following manner: 27709

(1) The amount credited pursuant to divisions (B)(2)(c) and 27710
(C)(2)(d) of section 5735.23 of the Revised Code shall be 27711
apportioned to and expended by the department of transportation 27712
for the purposes of planning, maintaining, repairing, and keeping 27713
in passable condition for travel the roads and highways of the 27714
state required by law to be maintained by the department; paying 27715
the costs apportioned to the state under section 4907.47 of the 27716
Revised Code; paying that portion of the construction cost of a 27717
highway project which a county, township, or municipal corporation 27718
normally would be required to pay, but which the director of 27719
transportation, pursuant to division (B) of section 5531.08 of the 27720
Revised Code, determines instead will be paid from moneys in the 27721
highway operating fund; and paying the costs of the department of 27722
public safety in administering and enforcing the state law 27723
relating to the registration and operation of motor vehicles. 27724

(2) The amount credited pursuant to division (A) of section 27725
5735.26 of the Revised Code shall be used for paying the state's 27726
share of the cost of planning, constructing, widening, 27727
maintaining, and reconstructing the state highways; paying that 27728
portion of the construction cost of a highway project which a 27729
county, township, or municipal corporation normally would be 27730
required to pay, but which the director of transportation, 27731
pursuant to division (B) of section 5531.08 of the Revised Code, 27732
determines instead will be paid from moneys in the highway 27733
operating fund; and also for supplying the state's share of the 27734
cost of eliminating railway grade crossings upon such highways and 27735
costs apportioned to the state under section 4907.47 of the 27736

Revised Code. The director of transportation may expend portions
of such amount upon extensions of state highways within municipal
corporations or upon portions of state highways within municipal
corporations, as is provided by law.

Sec. 5739.01. As used in this chapter: 27741

(A) "Person" includes individuals, receivers, assignees,
trustees in bankruptcy, estates, firms, partnerships,
associations, joint-stock companies, joint ventures, clubs,
societies, corporations, the state and its political subdivisions,
and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following
transactions for a consideration in any manner, whether absolutely
or conditionally, whether for a price or rental, in money or by
exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both,
of tangible personal property, is or is to be transferred, or a
license to use or consume tangible personal property is or is to
be granted;

(2) All transactions by which lodging by a hotel is or is to
be furnished to transient guests;

(3) All transactions by which: 27757

(a) An item of tangible personal property is or is to be
repaired, except property, the purchase of which would not be
subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be
installed, except property, the purchase of which would not be
subject to the tax imposed by section 5739.02 of the Revised Code
or property that is or is to be incorporated into and will become
a part of a production, transmission, transportation, or
distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 27767
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(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided; 27769
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(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 27772
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(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service; 27788
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(g) Landscaping and lawn care service is or is to be provided; 27792
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(h) Private investigation and security service is or is to be provided; 27794
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(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call; 27796
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(j) Building maintenance and janitorial service is or is to be provided;	27798 27799
(k) Employment service is or is to be provided;	27800
(l) Employment placement service is or is to be provided;	27801
(m) Exterminating service is or is to be provided;	27802
(n) Physical fitness facility service is or is to be provided;	27803 27804
(o) Recreation and sports club service is or is to be provided.	27805 27806
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	27807 27808
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	27809 27810 27811 27812 27813 27814 27815 27816
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	27817 27818 27819 27820 27821 27822 27823 27824
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked,	27825 27826 27827

disabled, or illegally parked motor vehicle. 27828

(t) On and after August 1, 2003, snow removal service is or 27829
is to be provided. As used in this division, "snow removal 27830
service" means the removal of snow by any mechanized means, but 27831
does not include the providing of such service by a person that 27832
has less than five thousand dollars in sales of such service 27833
during the calendar year. 27834

(4) All transactions by which printed, imprinted, 27835
overprinted, lithographic, multilithic, blueprinted, photostatic, 27836
or other productions or reproductions of written or graphic matter 27837
are or are to be furnished or transferred; 27838

(5) The production or fabrication of tangible personal 27839
property for a consideration for consumers who furnish either 27840
directly or indirectly the materials used in the production of 27841
fabrication work; and include the furnishing, preparing, or 27842
serving for a consideration of any tangible personal property 27843
consumed on the premises of the person furnishing, preparing, or 27844
serving such tangible personal property. Except as provided in 27845
section 5739.03 of the Revised Code, a construction contract 27846
pursuant to which tangible personal property is or is to be 27847
incorporated into a structure or improvement on and becoming a 27848
part of real property is not a sale of such tangible personal 27849
property. The construction contractor is the consumer of such 27850
tangible personal property, provided that the sale and 27851
installation of carpeting, the sale and installation of 27852
agricultural land tile, the sale and erection or installation of 27853
portable grain bins, or the provision of landscaping and lawn care 27854
service and the transfer of property as part of such service is 27855
never a construction contract. 27856

As used in division (B)(5) of this section: 27857

(a) "Agricultural land tile" means fired clay or concrete 27858

tile, or flexible or rigid perforated plastic pipe or tubing, 27859
incorporated or to be incorporated into a subsurface drainage 27860
system appurtenant to land used or to be used directly in 27861
production by farming, agriculture, horticulture, or floriculture. 27862
The term does not include such materials when they are or are to 27863
be incorporated into a drainage system appurtenant to a building 27864
or structure even if the building or structure is used or to be 27865
used in such production. 27866

(b) "Portable grain bin" means a structure that is used or to 27867
be used by a person engaged in farming or agriculture to shelter 27868
the person's grain and that is designed to be disassembled without 27869
significant damage to its component parts. 27870

(6) All transactions in which all of the shares of stock of a 27871
closely held corporation are transferred, if the corporation is 27872
not engaging in business and its entire assets consist of boats, 27873
planes, motor vehicles, or other tangible personal property 27874
operated primarily for the use and enjoyment of the shareholders; 27875

(7) All transactions in which a warranty, maintenance or 27876
service contract, or similar agreement by which the vendor of the 27877
warranty, contract, or agreement agrees to repair or maintain the 27878
tangible personal property of the consumer is or is to be 27879
provided; 27880

(8) The transfer of copyrighted motion picture films used 27881
solely for advertising purposes, except that the transfer of such 27882
films for exhibition purposes is not a sale. 27883

(9) On and after August 1, 2003, all transactions by which 27884
tangible personal property is or is to be stored, except such 27885
property that the consumer of the storage holds for sale in the 27886
regular course of business. 27887

Except as provided in this section, "sale" and "selling" do 27888
not include transfers of interest in leased property where the 27889

original lessee and the terms of the original lease agreement 27890
remain unchanged, or professional, insurance, or personal service 27891
transactions that involve the transfer of tangible personal 27892
property as an inconsequential element, for which no separate 27893
charges are made. 27894

(C) "Vendor" means the person providing the service or by 27895
whom the transfer effected or license given by a sale is or is to 27896
be made or given and, for sales described in division (B)(3)(i) of 27897
this section, the telecommunications service vendor that provides 27898
the nine hundred telephone service; if two or more persons are 27899
engaged in business at the same place of business under a single 27900
trade name in which all collections on account of sales by each 27901
are made, such persons shall constitute a single vendor. 27902

Physicians, dentists, hospitals, and veterinarians who are 27903
engaged in selling tangible personal property as received from 27904
others, such as eyeglasses, mouthwashes, dentifrices, or similar 27905
articles, are vendors. Veterinarians who are engaged in 27906
transferring to others for a consideration drugs, the dispensing 27907
of which does not require an order of a licensed veterinarian or 27908
physician under federal law, are vendors. 27909

(D)(1) "Consumer" means the person for whom the service is 27910
provided, to whom the transfer effected or license given by a sale 27911
is or is to be made or given, to whom the service described in 27912
division (B)(3)(f) or (i) of this section is charged, or to whom 27913
the admission is granted. 27914

(2) Physicians, dentists, hospitals, and blood banks operated 27915
by nonprofit institutions and persons licensed to practice 27916
veterinary medicine, surgery, and dentistry are consumers of all 27917
tangible personal property and services purchased by them in 27918
connection with the practice of medicine, dentistry, the rendition 27919
of hospital or blood bank service, or the practice of veterinary 27920

medicine, surgery, and dentistry. In addition to being consumers
of drugs administered by them or by their assistants according to
their direction, veterinarians also are consumers of drugs that
under federal law may be dispensed only by or upon the order of a
licensed veterinarian or physician, when transferred by them to
others for a consideration to provide treatment to animals as
directed by the veterinarian.

(3) A person who performs a facility management, or similar
service contract for a contractee is a consumer of all tangible
personal property and services purchased for use in connection
with the performance of such contract, regardless of whether title
to any such property vests in the contractee. The purchase of such
property and services is not subject to the exception for resale
under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter
for the purpose of distributing it or having it distributed to the
public or to a designated segment of the public, free of charge,
that person is the consumer of that printed matter, and the
purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than
purchases, printed matter for the purpose of distributing it or
having it distributed to the public or to a designated segment of
the public, free of charge, that person is the consumer of all
tangible personal property and services purchased for use or
consumption in the production of that printed matter. That person
is not entitled to claim exemption under division (B)(42)(f) of
section 5739.02 of the Revised Code for any material incorporated
into the printed matter or any equipment, supplies, or services
primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a
designated segment of the public, free of charge, is not a sale to

the members of the public to whom the printed matter is 27952
distributed or to any persons who purchase space in the printed 27953
matter for advertising or other purposes. 27954

(5) A person who makes sales of any of the services listed in 27955
division (B)(3) of this section is the consumer of any tangible 27956
personal property used in performing the service. The purchase of 27957
that property is not subject to the resale exception under 27958
division (E)(1) of this section. 27959

(6) A person who engages in highway transportation for hire 27960
is the consumer of all packaging materials purchased by that 27961
person and used in performing the service, except for packaging 27962
materials sold by such person in a transaction separate from the 27963
service. 27964

(E) "Retail sale" and "sales at retail" include all sales, 27965
except those in which the purpose of the consumer is to resell the 27966
thing transferred or benefit of the service provided, by a person 27967
engaging in business, in the form in which the same is, or is to 27968
be, received by the person. 27969

(F) "Business" includes any activity engaged in by any person 27970
with the object of gain, benefit, or advantage, either direct or 27971
indirect. "Business" does not include the activity of a person in 27972
managing and investing the person's own funds. 27973

(G) "Engaging in business" means commencing, conducting, or 27974
continuing in business, and liquidating a business when the 27975
liquidator thereof holds itself out to the public as conducting 27976
such business. Making a casual sale is not engaging in business. 27977

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 27978
(3) of this section, means the total amount of consideration, 27979
including cash, credit, property, and services, for which tangible 27980
personal property or services are sold, leased, or rented, valued 27981
in money, whether received in money or otherwise, without any 27982

deduction for any of the following:	27983
(i) The vendor's cost of the property sold;	27984
(ii) The cost of materials used, labor or service costs,	27985
interest, losses, all costs of transportation to the vendor, all	27986
taxes imposed on the vendor, including the tax imposed under	27987
Chapter 5751. of the Revised Code, and any other expense of the	27988
vendor;	27989
(iii) Charges by the vendor for any services necessary to	27990
complete the sale;	27991
(iv) On and after August 1, 2003, delivery charges. As used	27992
in this division, "delivery charges" means charges by the vendor	27993
for preparation and delivery to a location designated by the	27994
consumer of tangible personal property or a service, including	27995
transportation, shipping, postage, handling, crating, and packing.	27996
(v) Installation charges;	27997
(vi) Credit for any trade-in.	27998
(b) "Price" includes consideration received by the vendor	27999
from a third party, if the vendor actually receives the	28000
consideration from a party other than the consumer, and the	28001
consideration is directly related to a price reduction or discount	28002
on the sale; the vendor has an obligation to pass the price	28003
reduction or discount through to the consumer; the amount of the	28004
consideration attributable to the sale is fixed and determinable	28005
by the vendor at the time of the sale of the item to the consumer;	28006
and one of the following criteria is met:	28007
(i) The consumer presents a coupon, certificate, or other	28008
document to the vendor to claim a price reduction or discount	28009
where the coupon, certificate, or document is authorized,	28010
distributed, or granted by a third party with the understanding	28011
that the third party will reimburse any vendor to whom the coupon,	28012

certificate, or document is presented; 28013

(ii) The consumer identifies the consumer's self to the 28014
seller as a member of a group or organization entitled to a price 28015
reduction or discount. A preferred customer card that is available 28016
to any patron does not constitute membership in such a group or 28017
organization. 28018

(iii) The price reduction or discount is identified as a 28019
third party price reduction or discount on the invoice received by 28020
the consumer, or on a coupon, certificate, or other document 28021
presented by the consumer. 28022

(c) "Price" does not include any of the following: 28023

(i) Discounts, including cash, term, or coupons that are not 28024
reimbursed by a third party that are allowed by a vendor and taken 28025
by a consumer on a sale; 28026

(ii) Interest, financing, and carrying charges from credit 28027
extended on the sale of tangible personal property or services, if 28028
the amount is separately stated on the invoice, bill of sale, or 28029
similar document given to the purchaser; 28030

(iii) Any taxes legally imposed directly on the consumer that 28031
are separately stated on the invoice, bill of sale, or similar 28032
document given to the consumer. For the purpose of this division, 28033
the tax imposed under Chapter 5751. of the Revised Code is not a 28034
tax directly on the consumer, even if the tax or a portion thereof 28035
is separately stated. 28036

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 28037
section, any discount allowed by an automobile manufacturer to its 28038
employee, or to the employee of a supplier, on the purchase of a 28039
new motor vehicle from a new motor vehicle dealer in this state. 28040

(2) In the case of a sale of any new motor vehicle by a new 28041
motor vehicle dealer, as defined in section 4517.01 of the Revised 28042

Code, in which another motor vehicle is accepted by the dealer as 28043
part of the consideration received, "price" has the same meaning 28044
as in division (H)(1) of this section, reduced by the credit 28045
afforded the consumer by the dealer for the motor vehicle received 28046
in trade. 28047

(3) In the case of a sale of any watercraft or outboard motor 28048
by a watercraft dealer licensed in accordance with section 28049
1547.543 of the Revised Code, in which another watercraft, 28050
watercraft and trailer, or outboard motor is accepted by the 28051
dealer as part of the consideration received, "price" has the same 28052
meaning as in division (H)(1) of this section, reduced by the 28053
credit afforded the consumer by the dealer for the watercraft, 28054
watercraft and trailer, or outboard motor received in trade. As 28055
used in this division, "watercraft" includes an outdrive unit 28056
attached to the watercraft. 28057

(I) "Receipts" means the total amount of the prices of the 28058
sales of vendors, provided that cash discounts allowed and taken 28059
on sales at the time they are consummated are not included, minus 28060
any amount deducted as a bad debt pursuant to section 5739.121 of 28061
the Revised Code. "Receipts" does not include the sale price of 28062
property returned or services rejected by consumers when the full 28063
sale price and tax are refunded either in cash or by credit. 28064

(J) "Place of business" means any location at which a person 28065
engages in business. 28066

(K) "Premises" includes any real property or portion thereof 28067
upon which any person engages in selling tangible personal 28068
property at retail or making retail sales and also includes any 28069
real property or portion thereof designated for, or devoted to, 28070
use in conjunction with the business engaged in by such person. 28071

(L) "Casual sale" means a sale of an item of tangible 28072
personal property that was obtained by the person making the sale, 28073

through purchase or otherwise, for the person's own use and was 28074
previously subject to any state's taxing jurisdiction on its sale 28075
or use, and includes such items acquired for the seller's use that 28076
are sold by an auctioneer employed directly by the person for such 28077
purpose, provided the location of such sales is not the 28078
auctioneer's permanent place of business. As used in this 28079
division, "permanent place of business" includes any location 28080
where such auctioneer has conducted more than two auctions during 28081
the year. 28082

(M) "Hotel" means every establishment kept, used, maintained, 28083
advertised, or held out to the public to be a place where sleeping 28084
accommodations are offered to guests, in which five or more rooms 28085
are used for the accommodation of such guests, whether the rooms 28086
are in one or several structures. 28087

(N) "Transient guests" means persons occupying a room or 28088
rooms for sleeping accommodations for less than thirty consecutive 28089
days. 28090

(O) "Making retail sales" means the effecting of transactions 28091
wherein one party is obligated to pay the price and the other 28092
party is obligated to provide a service or to transfer title to or 28093
possession of the item sold. "Making retail sales" does not 28094
include the preliminary acts of promoting or soliciting the retail 28095
sales, other than the distribution of printed matter which 28096
displays or describes and prices the item offered for sale, nor 28097
does it include delivery of a predetermined quantity of tangible 28098
personal property or transportation of property or personnel to or 28099
from a place where a service is performed, regardless of whether 28100
the vendor is a delivery vendor. 28101

(P) "Used directly in the rendition of a public utility 28102
service" means that property that is to be incorporated into and 28103
will become a part of the consumer's production, transmission, 28104

transportation, or distribution system and that retains its 28105
classification as tangible personal property after such 28106
incorporation; fuel or power used in the production, transmission, 28107
transportation, or distribution system; and tangible personal 28108
property used in the repair and maintenance of the production, 28109
transmission, transportation, or distribution system, including 28110
only such motor vehicles as are specially designed and equipped 28111
for such use. Tangible personal property and services used 28112
primarily in providing highway transportation for hire are not 28113
used directly in the rendition of a public utility service. 28114

(Q) "Refining" means removing or separating a desirable 28115
product from raw or contaminated materials by distillation or 28116
physical, mechanical, or chemical processes. 28117

(R) "Assembly" and "assembling" mean attaching or fitting 28118
together parts to form a product, but do not include packaging a 28119
product. 28120

(S) "Manufacturing operation" means a process in which 28121
materials are changed, converted, or transformed into a different 28122
state or form from which they previously existed and includes 28123
refining materials, assembling parts, and preparing raw materials 28124
and parts by mixing, measuring, blending, or otherwise committing 28125
such materials or parts to the manufacturing process. 28126
"Manufacturing operation" does not include packaging. 28127

(T) "Fiscal officer" means, with respect to a regional 28128
transit authority, the secretary-treasurer thereof, and with 28129
respect to a county that is a transit authority, the fiscal 28130
officer of the county transit board if one is appointed pursuant 28131
to section 306.03 of the Revised Code or the county auditor if the 28132
board of county commissioners operates the county transit system. 28133

(U) "Transit authority" means a regional transit authority 28134
created pursuant to section 306.31 of the Revised Code or a county 28135

in which a county transit system is created pursuant to section 28136
306.01 of the Revised Code. For the purposes of this chapter, a 28137
transit authority must extend to at least the entire area of a 28138
single county. A transit authority that includes territory in more 28139
than one county must include all the area of the most populous 28140
county that is a part of such transit authority. County population 28141
shall be measured by the most recent census taken by the United 28142
States census bureau. 28143

(V) "Legislative authority" means, with respect to a regional 28144
transit authority, the board of trustees thereof, and with respect 28145
to a county that is a transit authority, the board of county 28146
commissioners. 28147

(W) "Territory of the transit authority" means all of the 28148
area included within the territorial boundaries of a transit 28149
authority as they from time to time exist. Such territorial 28150
boundaries must at all times include all the area of a single 28151
county or all the area of the most populous county that is a part 28152
of such transit authority. County population shall be measured by 28153
the most recent census taken by the United States census bureau. 28154

(X) "Providing a service" means providing or furnishing 28155
anything described in division (B)(3) of this section for 28156
consideration. 28157

(Y)(1)(a) "Automatic data processing" means processing of 28158
others' data, including keypunching or similar data entry services 28159
together with verification thereof, or providing access to 28160
computer equipment for the purpose of processing data. 28161

(b) "Computer services" means providing services consisting 28162
of specifying computer hardware configurations and evaluating 28163
technical processing characteristics, computer programming, and 28164
training of computer programmers and operators, provided in 28165
conjunction with and to support the sale, lease, or operation of 28166

taxable computer equipment or systems. 28167

(c) "Electronic information services" means providing access 28168
to computer equipment by means of telecommunications equipment for 28169
the purpose of either of the following: 28170

(i) Examining or acquiring data stored in or accessible to 28171
the computer equipment; 28172

(ii) Placing data into the computer equipment to be retrieved 28173
by designated recipients with access to the computer equipment. 28174

(d) "Automatic data processing, computer services, or 28175
electronic information services" shall not include personal or 28176
professional services. 28177

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 28178
section, "personal and professional services" means all services 28179
other than automatic data processing, computer services, or 28180
electronic information services, including but not limited to: 28181

(a) Accounting and legal services such as advice on tax 28182
matters, asset management, budgetary matters, quality control, 28183
information security, and auditing and any other situation where 28184
the service provider receives data or information and studies, 28185
alters, analyzes, interprets, or adjusts such material; 28186

(b) Analyzing business policies and procedures; 28187

(c) Identifying management information needs; 28188

(d) Feasibility studies, including economic and technical 28189
analysis of existing or potential computer hardware or software 28190
needs and alternatives; 28191

(e) Designing policies, procedures, and custom software for 28192
collecting business information, and determining how data should 28193
be summarized, sequenced, formatted, processed, controlled, and 28194
reported so that it will be meaningful to management; 28195

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	28196 28197 28198
(g) Testing of business procedures;	28199
(h) Training personnel in business procedure applications;	28200
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	28201 28202 28203 28204 28205 28206
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	28207 28208
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	28209 28210
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	28211 28212 28213
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	28214 28215 28216 28217 28218
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;	28219 28220 28221 28222 28223 28224 28225

(3) A person who leases a motor vehicle to and operates it	28226
for a person described by division (Z)(1) or (2) of this section.	28227
(AA)(1) "Telecommunications service" means the electronic	28228
transmission, conveyance, or routing of voice, data, audio, video,	28229
or any other information or signals to a point, or between or	28230
among points. "Telecommunications service" includes such	28231
transmission, conveyance, or routing in which computer processing	28232
applications are used to act on the form, code, or protocol of the	28233
content for purposes of transmission, conveyance, or routing	28234
without regard to whether the service is referred to as voice-over	28235
internet protocol service or is classified by the federal	28236
communications commission as enhanced or value-added.	28237
"Telecommunications service" does not include any of the	28238
following:	28239
(a) Data processing and information services that allow data	28240
to be generated, acquired, stored, processed, or retrieved and	28241
delivered by an electronic transmission to a consumer where the	28242
consumer's primary purpose for the underlying transaction is the	28243
processed data or information;	28244
(b) Installation or maintenance of wiring or equipment on a	28245
customer's premises;	28246
(c) Tangible personal property;	28247
(d) Advertising, including directory advertising;	28248
(e) Billing and collection services provided to third	28249
parties;	28250
(f) Internet access service;	28251
(g) Radio and television audio and video programming	28252
services, regardless of the medium, including the furnishing of	28253
transmission, conveyance, and routing of such services by the	28254
programming service provider. Radio and television audio and video	28255

programming services include, but are not limited to, cable	28256
service, as defined in 47 U.S.C. 522(6), and audio and video	28257
programming services delivered by commercial mobile radio service	28258
providers, as defined in 47 C.F.R. 20.3;	28259
(h) Ancillary service;	28260
(i) Digital products delivered electronically, including	28261
software, music, video, reading materials, or ring tones.	28262
(2) "Ancillary service" means a service that is associated	28263
with or incidental to the provision of telecommunications service,	28264
including conference bridging service, detailed telecommunications	28265
billing service, directory assistance, vertical service, and voice	28266
mail service. As used in this division:	28267
(a) "Conference bridging service" means an ancillary service	28268
that links two or more participants of an audio or video	28269
conference call, including providing a telephone number.	28270
"Conference bridging service" does not include telecommunications	28271
services used to reach the conference bridge.	28272
(b) "Detailed telecommunications billing service" means an	28273
ancillary service of separately stating information pertaining to	28274
individual calls on a customer's billing statement.	28275
(c) "Directory assistance" means an ancillary service of	28276
providing telephone number or address information.	28277
(d) "Vertical service" means an ancillary service that is	28278
offered in connection with one or more telecommunications	28279
services, which offers advanced calling features that allow	28280
customers to identify callers and manage multiple calls and call	28281
connections, including conference bridging service.	28282
(e) "Voice mail service" means an ancillary service that	28283
enables the customer to store, send, or receive recorded messages.	28284
"Voice mail service" does not include any vertical services that	28285

the customer may be required to have in order to utilize the voice 28286
mail service. 28287

(3) "900 service" means an inbound toll telecommunications 28288
service purchased by a subscriber that allows the subscriber's 28289
customers to call in to the subscriber's prerecorded announcement 28290
or live service, and which is typically marketed under the name 28291
"900" service and any subsequent numbers designated by the federal 28292
communications commission. "900 service" does not include the 28293
charge for collection services provided by the seller of the 28294
telecommunications service to the subscriber, or services or 28295
products sold by the subscriber to the subscriber's customer. 28296

(4) "Prepaid calling service" means the right to access 28297
exclusively telecommunications services, which must be paid for in 28298
advance and which enables the origination of calls using an access 28299
number or authorization code, whether manually or electronically 28300
dialed, and that is sold in predetermined units of dollars of 28301
which the number declines with use in a known amount. 28302

(5) "Prepaid wireless calling service" means a 28303
telecommunications service that provides the right to utilize 28304
mobile telecommunications service as well as other 28305
non-telecommunications services, including the download of digital 28306
products delivered electronically, and content and ancillary 28307
services, that must be paid for in advance and that is sold in 28308
predetermined units of dollars of which the number declines with 28309
use in a known amount. 28310

(6) "Value-added non-voice data service" means a 28311
telecommunications service in which computer processing 28312
applications are used to act on the form, content, code, or 28313
protocol of the information or data primarily for a purpose other 28314
than transmission, conveyance, or routing. 28315

(7) "Coin-operated telephone service" means a 28316

telecommunications service paid for by inserting money into a 28317
telephone accepting direct deposits of money to operate. 28318

(8) "Customer" has the same meaning as in section 5739.034 of 28319
the Revised Code. 28320

(BB) "Laundry and dry cleaning services" means removing soil 28321
or dirt from towels, linens, articles of clothing, or other fabric 28322
items that belong to others and supplying towels, linens, articles 28323
of clothing, or other fabric items. "Laundry and dry cleaning 28324
services" does not include the provision of self-service 28325
facilities for use by consumers to remove soil or dirt from 28326
towels, linens, articles of clothing, or other fabric items. 28327

(CC) "Magazines distributed as controlled circulation 28328
publications" means magazines containing at least twenty-four 28329
pages, at least twenty-five per cent editorial content, issued at 28330
regular intervals four or more times a year, and circulated 28331
without charge to the recipient, provided that such magazines are 28332
not owned or controlled by individuals or business concerns which 28333
conduct such publications as an auxiliary to, and essentially for 28334
the advancement of the main business or calling of, those who own 28335
or control them. 28336

(DD) "Landscaping and lawn care service" means the services 28337
of planting, seeding, sodding, removing, cutting, trimming, 28338
pruning, mulching, aerating, applying chemicals, watering, 28339
fertilizing, and providing similar services to establish, promote, 28340
or control the growth of trees, shrubs, flowers, grass, ground 28341
cover, and other flora, or otherwise maintaining a lawn or 28342
landscape grown or maintained by the owner for ornamentation or 28343
other nonagricultural purpose. However, "landscaping and lawn care 28344
service" does not include the providing of such services by a 28345
person who has less than five thousand dollars in sales of such 28346
services during the calendar year. 28347

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development

equipment unless such property is primarily used by the consumer 28380
in testing the product, equipment, or manufacturing process being 28381
created, designed, or formulated by the consumer in the research 28382
and development activity or in recording or storing such test 28383
results. 28384

(II) "Building maintenance and janitorial service" means 28385
cleaning the interior or exterior of a building and any tangible 28386
personal property located therein or thereon, including any 28387
services incidental to such cleaning for which no separate charge 28388
is made. However, "building maintenance and janitorial service" 28389
does not include the providing of such service by a person who has 28390
less than five thousand dollars in sales of such service during 28391
the calendar year. 28392

(JJ) "Employment service" means providing or supplying 28393
personnel, on a temporary or long-term basis, to perform work or 28394
labor primarily under the direct supervision or control of 28395
another, when the personnel so supplied receive their wages, 28396
salary, or other compensation from the provider of the service. 28397
"Employment service" does not include: 28398

(1) Acting as a contractor or subcontractor, where the 28399
personnel performing the work are not under the direct control of 28400
the purchaser. 28401

(2) Medical and health care services. 28402

(3) Supplying personnel to a purchaser pursuant to a contract 28403
of at least one year between the service provider and the 28404
purchaser that specifies that each employee covered under the 28405
contract is assigned to the purchaser on a permanent basis. 28406

(4) Transactions between members of an affiliated group, as 28407
defined in division (B)(3)(e) of this section. 28408

(5)(a) Qualified information technology services. As used in 28409

this division, "qualified information technology services" means 28410
either of the following services that are provided by a vendor, an 28411
affiliated group of vendors, or a subcontractor of a vendor to a 28412
consumer or an affiliated group of consumers, if the services are 28413
rendered by at least twenty-five employees who cumulatively work 28414
at least six thousand hours within a calendar quarter at one or 28415
more locations of a consumer or an affiliated group of consumers: 28416

(i) Feasibility studies, including economic and technical 28417
analysis of existing or potential computer hardware or software 28418
needs and alternatives; or 28419

(ii) Designing policies, procedures, and custom software for 28420
collecting business information, and determining how data should 28421
be summarized, sequenced, formatted, processed, controlled, and 28422
reported so that it will be meaningful to management. 28423

(b) As used in division (JJ)(5)(a) of this section, 28424
"affiliated group" has the same meaning as in division (B)(3)(e) 28425
of this section. 28426

(KK) "Employment placement service" means locating or finding 28427
employment for a person or finding or locating an employee to fill 28428
an available position. 28429

(LL) "Exterminating service" means eradicating or attempting 28430
to eradicate vermin infestations from a building or structure, or 28431
the area surrounding a building or structure, and includes 28432
activities to inspect, detect, or prevent vermin infestation of a 28433
building or structure. 28434

(MM) "Physical fitness facility service" means all 28435
transactions by which a membership is granted, maintained, or 28436
renewed, including initiation fees, membership dues, renewal fees, 28437
monthly minimum fees, and other similar fees and dues, by a 28438
physical fitness facility such as an athletic club, health spa, or 28439
gymnasium, which entitles the member to use the facility for 28440

physical exercise. 28441

(NN) "Recreation and sports club service" means all 28442
transactions by which a membership is granted, maintained, or 28443
renewed, including initiation fees, membership dues, renewal fees, 28444
monthly minimum fees, and other similar fees and dues, by a 28445
recreation and sports club, which entitles the member to use the 28446
facilities of the organization. "Recreation and sports club" means 28447
an organization that has ownership of, or controls or leases on a 28448
continuing, long-term basis, the facilities used by its members 28449
and includes an aviation club, gun or shooting club, yacht club, 28450
card club, swimming club, tennis club, golf club, country club, 28451
riding club, amateur sports club, or similar organization. 28452

(OO) "Livestock" means farm animals commonly raised for food 28453
or food production, and includes but is not limited to cattle, 28454
sheep, goats, swine, and poultry. "Livestock" does not include 28455
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 28456
animals for use in laboratories or for exhibition, or other 28457
animals not commonly raised for food or food production. 28458

(PP) "Livestock structure" means a building or structure used 28459
exclusively for the housing, raising, feeding, or sheltering of 28460
livestock, and includes feed storage or handling structures and 28461
structures for livestock waste handling. 28462

(QQ) "Horticulture" means the growing, cultivation, and 28463
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 28464
and nursery stock. As used in this division, "nursery stock" has 28465
the same meaning as in section 927.51 of the Revised Code. 28466

(RR) "Horticulture structure" means a building or structure 28467
used exclusively for the commercial growing, raising, or 28468
overwintering of horticultural products, and includes the area 28469
used for stocking, storing, and packing horticultural products 28470
when done in conjunction with the production of those products. 28471

(SS) "Newspaper" means an unbound publication bearing a title 28472
or name that is regularly published, at least as frequently as 28473
biweekly, and distributed from a fixed place of business to the 28474
public in a specific geographic area, and that contains a 28475
substantial amount of news matter of international, national, or 28476
local events of interest to the general public. 28477

(TT) "Professional racing team" means a person that employs 28478
at least twenty full-time employees for the purpose of conducting 28479
a motor vehicle racing business for profit. The person must 28480
conduct the business with the purpose of racing one or more motor 28481
racing vehicles in at least ten competitive professional racing 28482
events each year that comprise all or part of a motor racing 28483
series sanctioned by one or more motor racing sanctioning 28484
organizations. A "motor racing vehicle" means a vehicle for which 28485
the chassis, engine, and parts are designed exclusively for motor 28486
racing, and does not include a stock or production model vehicle 28487
that may be modified for use in racing. For the purposes of this 28488
division: 28489

(1) A "competitive professional racing event" is a motor 28490
vehicle racing event sanctioned by one or more motor racing 28491
sanctioning organizations, at which aggregate cash prizes in 28492
excess of eight hundred thousand dollars are awarded to the 28493
competitors. 28494

(2) "Full-time employee" means an individual who is employed 28495
for consideration for thirty-five or more hours a week, or who 28496
renders any other standard of service generally accepted by custom 28497
or specified by contract as full-time employment. 28498

(UU)(1) "Lease" or "rental" means any transfer of the 28499
possession or control of tangible personal property for a fixed or 28500
indefinite term, for consideration. "Lease" or "rental" includes 28501
future options to purchase or extend, and agreements described in 28502

26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 28503
the amount of consideration may be increased or decreased by 28504
reference to the amount realized upon the sale or disposition of 28505
the property. "Lease" or "rental" does not include: 28506

(a) A transfer of possession or control of tangible personal 28507
property under a security agreement or a deferred payment plan 28508
that requires the transfer of title upon completion of the 28509
required payments; 28510

(b) A transfer of possession or control of tangible personal 28511
property under an agreement that requires the transfer of title 28512
upon completion of required payments and payment of an option 28513
price that does not exceed the greater of one hundred dollars or 28514
one per cent of the total required payments; 28515

(c) Providing tangible personal property along with an 28516
operator for a fixed or indefinite period of time, if the operator 28517
is necessary for the property to perform as designed. For purposes 28518
of this division, the operator must do more than maintain, 28519
inspect, or set-up the tangible personal property. 28520

(2) "Lease" and "rental," as defined in division (UU) of this 28521
section, shall not apply to leases or rentals that exist before 28522
June 26, 2003. 28523

(3) "Lease" and "rental" have the same meaning as in division 28524
(UU)(1) of this section regardless of whether a transaction is 28525
characterized as a lease or rental under generally accepted 28526
accounting principles, the Internal Revenue Code, Title XIII of 28527
the Revised Code, or other federal, state, or local laws. 28528

(VV) "Mobile telecommunications service" has the same meaning 28529
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 28530
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 28531
on and after August 1, 2003, includes related fees and ancillary 28532
services, including universal service fees, detailed billing 28533

service, directory assistance, service initiation, voice mail 28534
service, and vertical services, such as caller ID and three-way 28535
calling. 28536

(WW) "Certified service provider" has the same meaning as in 28537
section 5740.01 of the Revised Code. 28538

(XX) "Satellite broadcasting service" means the distribution 28539
or broadcasting of programming or services by satellite directly 28540
to the subscriber's receiving equipment without the use of ground 28541
receiving or distribution equipment, except the subscriber's 28542
receiving equipment or equipment used in the uplink process to the 28543
satellite, and includes all service and rental charges, premium 28544
channels or other special services, installation and repair 28545
service charges, and any other charges having any connection with 28546
the provision of the satellite broadcasting service. 28547

(YY) "Tangible personal property" means personal property 28548
that can be seen, weighed, measured, felt, or touched, or that is 28549
in any other manner perceptible to the senses. For purposes of 28550
this chapter and Chapter 5741. of the Revised Code, "tangible 28551
personal property" includes motor vehicles, electricity, water, 28552
gas, steam, and prewritten computer software. 28553

(ZZ) "Direct mail" means printed material delivered or 28554
distributed by United States mail or other delivery service to a 28555
mass audience or to addressees on a mailing list provided by the 28556
consumer or at the direction of the consumer when the cost of the 28557
items are not billed directly to the recipients. "Direct mail" 28558
includes tangible personal property supplied directly or 28559
indirectly by the consumer to the direct mail vendor for inclusion 28560
in the package containing the printed material. "Direct mail" does 28561
not include multiple items of printed material delivered to a 28562
single address. 28563

(AAA) "Computer" means an electronic device that accepts 28564

information in digital or similar form and manipulates it for a 28565
result based on a sequence of instructions. 28566

(BBB) "Computer software" means a set of coded instructions 28567
designed to cause a computer or automatic data processing 28568
equipment to perform a task. 28569

(CCC) "Delivered electronically" means delivery of computer 28570
software from the seller to the purchaser by means other than 28571
tangible storage media. 28572

(DDD) "Prewritten computer software" means computer software, 28573
including prewritten upgrades, that is not designed and developed 28574
by the author or other creator to the specifications of a specific 28575
purchaser. The combining of two or more prewritten computer 28576
software programs or prewritten portions thereof does not cause 28577
the combination to be other than prewritten computer software. 28578
"Prewritten computer software" includes software designed and 28579
developed by the author or other creator to the specifications of 28580
a specific purchaser when it is sold to a person other than the 28581
purchaser. If a person modifies or enhances computer software of 28582
which the person is not the author or creator, the person shall be 28583
deemed to be the author or creator only of such person's 28584
modifications or enhancements. Prewritten computer software or a 28585
prewritten portion thereof that is modified or enhanced to any 28586
degree, where such modification or enhancement is designed and 28587
developed to the specifications of a specific purchaser, remains 28588
prewritten computer software; provided, however, that where there 28589
is a reasonable, separately stated charge or an invoice or other 28590
statement of the price given to the purchaser for the modification 28591
or enhancement, the modification or enhancement shall not 28592
constitute prewritten computer software. 28593

(EEE)(1) "Food" means substances, whether in liquid, 28594
concentrated, solid, frozen, dried, or dehydrated form, that are 28595

sold for ingestion or chewing by humans and are consumed for their
taste or nutritional value. "Food" does not include alcoholic
beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable
for human consumption and contain one-half of one per cent or more
of alcohol by volume.

(b) "Dietary supplements" means any product, other than
tobacco, that is intended to supplement the diet and that is
intended for ingestion in tablet, capsule, powder, softgel,
gelcap, or liquid form, or, if not intended for ingestion in such
a form, is not represented as conventional food for use as a sole
item of a meal or of the diet; that is required to be labeled as a
dietary supplement, identifiable by the "supplement facts" box
found on the label, as required by 21 C.F.R. 101.36; and that
contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the
diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or
combination of any ingredient described in divisions
(EEE)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain
natural or artificial sweeteners. "Soft drinks" does not include
beverages that contain milk or milk products, soy, rice, or
similar milk substitutes, or that contains greater than fifty per
cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 28626
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(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. 28628
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(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription. 28637
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(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment. 28641
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(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment. 28648
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(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (KKK)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has

entered into the agreements described in division (KKK)(1)(e) of
this section. 28687
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(c) "Fractional ownership program aircraft" or "program
aircraft" means a turbojet aircraft that is owned or possessed by 28689
a fractional owner and that has been included in a dry-lease 28690
aircraft interchange arrangement and agreement under divisions 28691
(KKK)(1)(d) and (e) of this section, or an aircraft a program 28692
manager owns or possesses primarily for use in a fractional 28693
aircraft ownership program. 28694
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(d) "Management services" means administrative and aviation 28696
support services furnished under a fractional aircraft ownership 28697
program in accordance with a management services agreement under 28698
division (KKK)(1)(e) of this section, and offered by the program 28699
manager to the fractional owners, including, at a minimum, the 28700
establishment and implementation of safety guidelines; the 28701
coordination of the scheduling of the program aircraft and crews; 28702
program aircraft maintenance; program aircraft insurance; crew 28703
training for crews employed, furnished, or contracted by the 28704
program manager or the fractional owner; the satisfaction of 28705
record-keeping requirements; and the development and use of an 28706
operations manual and a maintenance manual for the fractional 28707
aircraft ownership program. 28708

(e) "Program manager" means the person that offers management 28709
services to fractional owners pursuant to a management services 28710
agreement under division (KKK)(1)(e) of this section. 28711

Sec. 5739.011. (A) As used in this section: 28712

(1) "Manufacturer" means a person who is engaged in 28713
manufacturing, processing, assembling, or refining a product for 28714
sale, and solely for the purposes of division (B)(12) of this 28715
section, a person who meets all the qualifications of that 28716

<u>division.</u>	28717
(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer.	28718 28719 28720 28721
(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form.	28722 28723 28724 28725
(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product.	28726 28727
(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.	28728 28729 28730 28731 28732 28733
(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.	28734 28735 28736 28737 28738 28739 28740
(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:	28741 28742 28743
(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;	28744 28745 28746

(2) Materials handling equipment that moves the product 28747
through a continuous manufacturing operation; equipment that 28748
temporarily stores the product during the manufacturing operation; 28749
or, excluding motor vehicles licensed to operate on public 28750
highways, equipment used in intraplant or interplant transfers of 28751
work in process where the plant or plants between which such 28752
transfers occur are manufacturing facilities operated by the same 28753
person; 28754

(3) Catalysts, solvents, water, acids, oil, and similar 28755
consumables that interact with the product and that are an 28756
integral part of the manufacturing operation; 28757

(4) Machinery, equipment, and other tangible personal 28758
property used during the manufacturing operation that control, 28759
physically support, produce power for, lubricate, or are otherwise 28760
necessary for the functioning of production machinery and 28761
equipment and the continuation of the manufacturing operation; 28762

(5) Machinery, equipment, fuel, power, material, parts, and 28763
other tangible personal property used to manufacture machinery, 28764
equipment, or other tangible personal property used in 28765
manufacturing a product for sale; 28766

(6) Machinery, equipment, and other tangible personal 28767
property used by a manufacturer to test raw materials, the product 28768
being manufactured, or the completed product; 28769

(7) Machinery and equipment used to handle or temporarily 28770
store scrap that is intended to be reused in the manufacturing 28771
operation at the same manufacturing facility; 28772

(8) Coke, gas, water, steam, and similar substances used in 28773
the manufacturing operation; machinery and equipment used for, and 28774
fuel consumed in, producing or extracting those substances; 28775
machinery, equipment, and other tangible personal property used to 28776
treat, filter, pump, or otherwise make the substance suitable for 28777

use in the manufacturing operation; and machinery and equipment	28778
used for, and fuel consumed in, producing electricity for use in	28779
the manufacturing operation;	28780
(9) Machinery, equipment, and other tangible personal	28781
property used to transport or transmit electricity, coke, gas,	28782
water, steam, or similar substances used in the manufacturing	28783
operation from the point of generation, if produced by the	28784
manufacturer, or from the point where the substance enters the	28785
manufacturing facility, if purchased by the manufacturer, to the	28786
manufacturing operation;	28787
(10) Machinery, equipment, and other tangible personal	28788
property that treats, filters, cools, refines, or otherwise	28789
renders water, steam, acid, oil, solvents, or similar substances	28790
used in the manufacturing operation reusable, provided that the	28791
substances are intended for reuse and not for disposal, sale, or	28792
transportation from the manufacturing facility;	28793
(11) Parts, components, and repair and installation services	28794
for items described in division (B) of this section;	28795
<u>(12) Machinery and equipment, detergents, supplies, solvents,</u>	28796
<u>and any other tangible personal property located at a</u>	28797
<u>manufacturing facility that are used in the process of removing</u>	28798
<u>soil, dirt, or other contaminants from, or otherwise preparing in</u>	28799
<u>a suitable condition for use, towels, linens, articles of</u>	28800
<u>clothing, floor mats, mop heads, or other similar items, to be</u>	28801
<u>supplied to a consumer as part of laundry and dry cleaning</u>	28802
<u>services as defined in division (BB) of section 5739.01 of the</u>	28803
<u>Revised Code, only when the towels, linens, articles of clothing,</u>	28804
<u>floor mats, mop heads, or other similar items belong to the</u>	28805
<u>provider of the services.</u>	28806
(C) For purposes of division (B) (43) (42)(g) of section	28807
5739.02 of the Revised Code, the "thing transferred" does not	28808

include any of the following:	28809
(1) Tangible personal property used in administrative,	28810
personnel, security, inventory control, record-keeping, ordering,	28811
billing, or similar functions;	28812
(2) Tangible personal property used in storing raw materials	28813
or parts prior to the commencement of the manufacturing operation	28814
or used to handle or store a completed product, including storage	28815
that actively maintains a completed product in a marketable state	28816
or form;	28817
(3) Tangible personal property used to handle or store scrap	28818
or waste intended for disposal, sale, or other disposition, other	28819
than reuse in the manufacturing operation at the same	28820
manufacturing facility;	28821
(4) Tangible personal property that is or is to be	28822
incorporated into realty;	28823
(5) Machinery, equipment, and other tangible personal	28824
property used for ventilation, dust or gas collection, humidity or	28825
temperature regulation, or similar environmental control, except	28826
machinery, equipment, and other tangible personal property that	28827
totally regulates the environment in a special and limited area of	28828
the manufacturing facility where the regulation is essential for	28829
production to occur;	28830
(6) Tangible personal property used for the protection and	28831
safety of workers, unless the property is attached to or	28832
incorporated into machinery and equipment used in a continuous	28833
manufacturing operation;	28834
(7) Tangible personal property used to store fuel, water,	28835
solvents, acid, oil, or similar items consumed in the	28836
manufacturing operation;	28837
(8) Machinery, equipment, and other tangible personal	28838

property used to clean, repair, or maintain real or personal	28839
property in the manufacturing facility;	28840
(9) Motor vehicles registered for operation on public	28841
highways.	28842
(D) For purposes of division (B) (43) (42)(g) of section	28843
5739.02 of the Revised Code, if the "thing transferred" is a	28844
machine used by a manufacturer in both a taxable and an exempt	28845
manner, it shall be totally taxable or totally exempt from	28846
taxation based upon its quantified primary use. If the "things	28847
transferred" are fungibles, they shall be taxed based upon the	28848
proportion of the fungibles used in a taxable manner.	28849
Sec. 5739.026. (A) A board of county commissioners may levy a	28850
tax of one-fourth or one-half of one per cent on every retail sale	28851
in the county, except sales of watercraft and outboard motors	28852
required to be titled pursuant to Chapter 1548. of the Revised	28853
Code and sales of motor vehicles, and may increase an existing	28854
rate of one-fourth of one per cent to one-half of one per cent, to	28855
pay the expenses of administering the tax and, except as provided	28856
in division (A)(6) of this section, for any one or more of the	28857
following purposes provided that the aggregate levy for all such	28858
purposes does not exceed one-half of one per cent:	28859
(1) To provide additional revenues for the payment of bonds	28860
or notes issued in anticipation of bonds issued by a convention	28861
facilities authority established by the board of county	28862
commissioners under Chapter 351. of the Revised Code and to	28863
provide additional operating revenues for the convention	28864
facilities authority;	28865
(2) To provide additional revenues for a transit authority	28866
operating in the county;	28867
(3) To provide additional revenue for the county's general	28868

fund; 28869

(4) To provide additional revenue for permanent improvements 28870
within the county to be distributed by the community improvements 28871
board in accordance with section 307.283 and to pay principal, 28872
interest, and premium on bonds issued under section 307.284 of the 28873
Revised Code; 28874

(5) To provide additional revenue for the acquisition, 28875
construction, equipping, or repair of any specific permanent 28876
improvement or any class or group of permanent improvements, which 28877
improvement or class or group of improvements shall be enumerated 28878
in the resolution required by division (D) of this section, and to 28879
pay principal, interest, premium, and other costs associated with 28880
the issuance of bonds or notes in anticipation of bonds issued 28881
pursuant to Chapter 133. of the Revised Code for the acquisition, 28882
construction, equipping, or repair of the specific permanent 28883
improvement or class or group of permanent improvements; 28884

(6) To provide revenue for the implementation and operation 28885
of a 9-1-1 system in the county. If the tax is levied or the rate 28886
increased exclusively for such purpose, the tax shall not be 28887
levied or the rate increased for more than five years. At the end 28888
of the last year the tax is levied or the rate increased, any 28889
balance remaining in the special fund established for such purpose 28890
shall remain in that fund and be used exclusively for such purpose 28891
until the fund is completely expended, and, notwithstanding 28892
section 5705.16 of the Revised Code, the board of county 28893
commissioners shall not petition for the transfer of money from 28894
such special fund, and the tax commissioner shall not approve such 28895
a petition. 28896

If the tax is levied or the rate increased for such purpose 28897
for more than five years, the board of county commissioners also 28898
shall levy the tax or increase the rate of the tax for one or more 28899

of the purposes described in divisions (A)(1) to (5) of this 28900
section and shall prescribe the method for allocating the revenues 28901
from the tax each year in the manner required by division (C) of 28902
this section. 28903

(7) To provide additional revenue for the operation or 28904
maintenance of a detention facility, as that term is defined under 28905
division (F) of section 2921.01 of the Revised Code; 28906

(8) To provide revenue to finance the construction or 28907
renovation of a sports facility, but only if the tax is levied for 28908
that purpose in the manner prescribed by section 5739.028 of the 28909
Revised Code. 28910

As used in division (A)(8) of this section: 28911

(a) "Sports facility" means a facility intended to house 28912
major league professional athletic teams. 28913

(b) "Constructing" or "construction" includes providing 28914
fixtures, furnishings, and equipment. 28915

(9) To provide additional revenue for the acquisition of 28916
agricultural easements, as defined in section 5301.67 of the 28917
Revised Code; to pay principal, interest, and premium on bonds 28918
issued under section 133.60 of the Revised Code; and for the 28919
supervision and enforcement of agricultural easements held by the 28920
county; 28921

(10) To provide revenue for the provision of ambulance, 28922
paramedic, or other emergency medical services. 28923

Pursuant to section 755.171 of the Revised Code, a board of 28924
county commissioners may pledge and contribute revenue from a tax 28925
levied for the purpose of division (A)(5) of this section to the 28926
payment of debt charges on bonds issued under section 755.17 of 28927
the Revised Code. 28928

The rate of tax shall be a multiple of one-fourth of one per 28929

cent, unless a portion of the rate of an existing tax levied under 28930
section 5739.023 of the Revised Code has been reduced, and the 28931
rate of tax levied under this section has been increased, pursuant 28932
to section 5739.028 of the Revised Code, in which case the 28933
aggregate of the rates of tax levied under this section and 28934
section 5739.023 of the Revised Code shall be a multiple of 28935
one-fourth of one per cent. The tax shall be levied and the rate 28936
increased pursuant to a resolution adopted by a majority of the 28937
members of the board. The board shall deliver a certified copy of 28938
the resolution to the tax commissioner, not later than the 28939
sixty-fifth day prior to the date on which the tax is to become 28940
effective, which shall be the first day of a calendar quarter. 28941

Prior to the adoption of any resolution to levy the tax or to 28942
increase the rate of tax exclusively for the purpose set forth in 28943
division (A)(3) of this section, the board of county commissioners 28944
shall conduct two public hearings on the resolution, the second 28945
hearing to be no fewer than three nor more than ten days after the 28946
first. Notice of the date, time, and place of the hearings shall 28947
be given by publication in a newspaper of general circulation in 28948
the county once a week on the same day of the week for two 28949
consecutive weeks, the second publication being no fewer than ten 28950
nor more than thirty days prior to the first hearing. Except as 28951
provided in division (E) of this section, the resolution shall be 28952
subject to a referendum as provided in sections 305.31 to 305.41 28953
of the Revised Code. ~~Unless the resolution is adopted as an 28954
emergency measure, or is to be submitted to the electors of the 28955
county under division (D)(2)(a) of this section, the resolution 28956
shall be adopted at least one hundred twenty days prior to the 28957
date on which the tax or the increased rate of tax is to go into 28958
effect.~~ If the resolution is adopted as an emergency measure 28959
necessary for the immediate preservation of the public peace, 28960
health, or safety, it must receive an affirmative vote of all of 28961

the members of the board of county commissioners and shall state 28962
the reasons for the necessity. 28963

If the tax is for more than one of the purposes set forth in 28964
divisions (A)(1) to (7), (9), and (10) of this section, or is 28965
exclusively for one of the purposes set forth in division (A)(1), 28966
(2), (4), (5), (6), (7), (9), or (10) of this section, the 28967
resolution shall not go into effect unless it is approved by a 28968
majority of the electors voting on the question of the tax. 28969

(B) The board of county commissioners shall adopt a 28970
resolution under section 351.02 of the Revised Code creating the 28971
convention facilities authority, or under section 307.283 of the 28972
Revised Code creating the community improvements board, before 28973
adopting a resolution levying a tax for the purpose of a 28974
convention facilities authority under division (A)(1) of this 28975
section or for the purpose of a community improvements board under 28976
division (A)(4) of this section. 28977

(C)(1) If the tax is to be used for more than one of the 28978
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 28979
this section, the board of county commissioners shall establish 28980
the method that will be used to determine the amount or proportion 28981
of the tax revenue received by the county during each year that 28982
will be distributed for each of those purposes, including, if 28983
applicable, provisions governing the reallocation of a convention 28984
facilities authority's allocation if the authority is dissolved 28985
while the tax is in effect. The allocation method may provide that 28986
different proportions or amounts of the tax shall be distributed 28987
among the purposes in different years, but it shall clearly 28988
describe the method that will be used for each year. Except as 28989
otherwise provided in division (C)(2) of this section, the 28990
allocation method established by the board is not subject to 28991
amendment during the life of the tax. 28992

(2) Subsequent to holding a public hearing on the proposed 28993

amendment, the board of county commissioners may amend the
allocation method established under division (C)(1) of this
section for any year, if the amendment is approved by the
governing board of each entity whose allocation for the year would
be reduced by the proposed amendment. In the case of a tax that is
levied for a continuing period of time, the board may not so amend
the allocation method for any year before the sixth year that the
tax is in effect.

(a) If the additional revenues provided to the convention
facilities authority are pledged by the authority for the payment
of convention facilities authority revenue bonds for as long as
such bonds are outstanding, no reduction of the authority's
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. 29026

(d) If the additional revenues provided to the county are 29027
pledged by the county for the payment of bonds or notes issued 29028
under section 133.60 of the Revised Code, for so long as the bonds 29029
or notes are outstanding, no reduction of the county's allocation 29030
of the tax shall be made for any year, except to the extent that 29031
the reduced county allocation is sufficient to meet the debt 29032
service requirements for that year on the bonds or notes. 29033

(D)(1) The resolution levying the tax or increasing the rate 29034
of tax shall state the rate of the tax or the rate of the 29035
increase; the purpose or purposes for which it is to be levied; 29036
the number of years for which it is to be levied or that it is for 29037
a continuing period of time; the allocation method required by 29038
division (C) of this section; and if required to be submitted to 29039
the electors of the county under division (A) of this section, the 29040
date of the election at which the proposal shall be submitted to 29041
the electors of the county, which shall be not less than 29042
seventy-five days after the certification of a copy of the 29043
resolution to the board of elections and, if the tax is to be 29044
levied exclusively for the purpose set forth in division (A)(3) of 29045
this section, shall not occur in February or August of any year. 29046
Upon certification of the resolution to the board of elections, 29047
the board of county commissioners shall notify the tax 29048
commissioner in writing of the levy question to be submitted to 29049
the electors. If approved by a majority of the electors, the tax 29050
shall become effective on the first day of a calendar quarter next 29051
following the sixty-fifth day following the date the board of 29052
county commissioners and tax commissioner receive from the board 29053
of elections the certification of the results of the election, 29054
except as provided in division (E) of this section. 29055

(2)(a) A resolution specifying that the tax is to be used 29056
exclusively for the purpose set forth in division (A)(3) of this 29057

section that is not adopted as an emergency measure may direct the
board of elections to submit the question of levying the tax or
increasing the rate of the tax to the electors of the county at a
special election held on the date specified by the board of county
commissioners in the resolution, provided that the election occurs
not less than seventy-five days after the resolution is certified
to the board of elections and the election is not held in February
or August of any year. 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. No resolution adopted under division
(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 reduce the rate of a tax levied exclusively for the purpose set forth in division (A)(3) of this section to a lower rate authorized by this section. Any such reduction shall be made effective on the first day of the calendar quarter next following the sixty-fifth day after the tax commissioner receives a certified copy of the resolution from the board.

(E) If a vendor that is registered with the central electronic registration system provided for in section 5740.05 of the Revised Code makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section.

(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code.

A county that levies a tax pursuant to this section shall 29121
levy a tax at the same rate pursuant to section 5741.023 of the 29122
Revised Code. 29123

The additional tax levied by the county shall be collected 29124
pursuant to section 5739.025 of the Revised Code. 29125

Any tax levied pursuant to this section is subject to the 29126
exemptions provided in section 5739.02 of the Revised Code and in 29127
addition shall not be applicable to sales not within the taxing 29128
power of a county under the Constitution of the United States or 29129
the Ohio Constitution. 29130

(G) Upon receipt from a board of county commissioners of a 29131
certified copy of a resolution required by division (A) of this 29132
section, or from the board of elections a notice of the results of 29133
an election required by division (D)(1), (2)(a), (b), or (c) of 29134
this section, the tax commissioner shall provide notice of a tax 29135
rate change in a manner that is reasonably accessible to all 29136
affected vendors. The commissioner shall provide this notice at 29137
least sixty days prior to the effective date of the rate change. 29138
The commissioner, by rule, may establish the method by which 29139
notice will be provided. 29140

Sec. 5739.211. (A) The moneys received by a county levying an 29141
additional sales tax pursuant to section 5739.021 of the Revised 29142
Code shall be deposited in the county general fund to be expended 29143
for any purpose for which general fund moneys of the county may be 29144
used, including the acquisition or construction of permanent 29145
improvements or to make payments in accordance with section 333.06 29146
or 333.07 of the Revised Code, or in the bond retirement fund for 29147
the payment of debt service charges on notes or bonds of the 29148
county issued for the acquisition or construction ~~or~~ of permanent 29149
improvements. The amounts to be deposited in each of such funds 29150
shall be determined by the board of county commissioners. 29151

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(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 each authority's share of any such moneys to its fiscal officer within five business days of the date of their receipt by the county. If the moneys allocated under such division are not so paid, the county shall pay to such authority any interest that the county has received or will receive on such moneys that accrues from the date the county received the moneys, together with the principal amount of such moneys.

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(C) The moneys received by a transit authority levying an additional sales tax pursuant to section 5739.023 of the Revised Code shall be deposited in such fund or funds of the transit authority as determined by the legislative authority of the transit authority to be expended for any purpose for which a county transit board or the board of county commissioners operating a county transit system, in the case of a county, or the board of trustees of a regional transit authority, in the case of a regional transit authority, may expend moneys under their control, including the purchase, acquisition, construction, replacement, improvement, extension, or enlargement of permanent improvements and for the payment of debt service charges on notes or bonds of the transit authority.

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Sec. 5741.031. (A) The funds received by a county levying an 29184
additional use tax pursuant to section 5741.021 of the Revised 29185
Code shall be deposited in the county general fund to be expended 29186
for any purpose for which general fund moneys of the county may be 29187
used, including the acquisition or construction of permanent 29188
improvements or to make payments in accordance with section 333.06 29189
or 333.07 of the Revised Code, or in the bond retirement fund for 29190
the payment of debt service charges on notes or bonds of the 29191
county issued for the acquisition or construction of permanent 29192
improvements, ~~or in the bond retirement fund for the payment of~~ 29193
~~debt service charges on notes or bonds of the county issued for~~ 29194
~~the acquisition or construction of permanent improvements.~~ The 29195
amounts to be deposited in each of such funds shall be determined 29196
by the board of county commissioners. 29197

(B) The moneys received by a county levying an additional use 29198
tax pursuant to section 5741.023 of the Revised Code shall be 29199
deposited in a separate fund, which shall be allocated, 29200
distributed, and used in accordance with the resolution adopted 29201
under section 5739.026 of the Revised Code. Moneys allocated for 29202
the purpose of division (A)(4) of section 5739.026 of the Revised 29203
Code shall be transferred to and disbursed from the community 29204
improvements fund in the county treasury. Notwithstanding section 29205
135.351 of the Revised Code, if an allocation of moneys to a 29206
convention facilities authority or a transit authority is required 29207
pursuant to division (C) of section 5739.026 of the Revised Code, 29208
the county shall pay and distribute each authority's share of any 29209
such moneys to its fiscal officer within five business days of the 29210
date of their receipt by the county. If the moneys allocated under 29211
such division are not so paid, the county shall pay to such 29212
authority any interest that the county has received or will 29213
receive on such moneys that accrues from the date the county 29214
received the moneys, together with the principal amount of such 29215

moneys. 29216

(C) The funds received by a transit authority levying an 29217
additional use tax pursuant to section 5741.022 of the Revised 29218
Code shall be deposited in such fund or funds of the transit 29219
authority as determined by the legislative authority of the 29220
transit authority to be expended for any purpose for which a 29221
county transit board or the board of county commissioners 29222
operating a county transit system, in the case of a county, or the 29223
board of trustees of a regional transit authority, in the case of 29224
a regional transit authority, may expend moneys under their 29225
control, including the purchase, acquisition, construction, 29226
replacement, improvement, extension, or enlargement of permanent 29227
improvements or in the bond retirement fund for the payment of 29228
debt service charges on notes or bonds of the transit authority. 29229

Sec. 5743.021. (A) As used in this section, "qualifying 29230
regional arts and cultural district" means a regional arts and 29231
cultural district created under section 3381.04 of the Revised 29232
Code in a county having a population of one million two hundred 29233
thousand or more according to the 2000 federal decennial census. 29234

(B) For one or more of the purposes for which a tax may be 29235
levied under section 3381.16 of the Revised Code and for the 29236
purposes of paying the expenses of administering the tax and the 29237
expenses charged by a board of elections to hold an election on a 29238
question submitted under this section, the board of county 29239
commissioners of a county that has within its territorial 29240
boundaries a qualifying regional arts and cultural district may 29241
levy a tax on the sale of cigarettes sold for resale at retail in 29242
the county composing the district. The rate of the tax, when added 29243
to the rate of any other tax concurrently levied by the board 29244
under this section, shall not exceed fifteen mills per cigarette, 29245
and shall be computed on each cigarette sold. Only one sale of the 29246

same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

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The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the 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 for the benefit of 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

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from taxes levied on behalf of each district under this section 29278
and section 5743.321 of the Revised Code as follows: 29279

(1) To the tax refund fund created by section 5703.052 of the 29280
Revised Code, amounts equal to the refunds from each tax levied 29281
under this section certified by the tax commissioner pursuant to 29282
section 5743.05 of the Revised Code; 29283

(2) Following the crediting of amounts pursuant to division 29284
(D)(1) of this section: 29285

(a) To the permissive tax distribution fund created under 29286
section 4301.423 of the Revised Code, an amount equal to 29287
ninety-eight per cent of the remainder collected; 29288

(b) To the local excise tax administrative fund, which is 29289
hereby created in the state treasury, an amount equal to two per 29290
cent of such remainder, for use by the tax commissioner in 29291
defraying costs incurred in administering the tax. 29292

On or before the second working day of each month, the 29293
treasurer of state shall certify to the tax commissioner the 29294
amount of taxes levied on behalf of each district under sections 29295
5743.021 and 5743.321 of the Revised Code and paid to the 29296
treasurer of state during the preceding month. 29297

On or before the tenth day of each month, the tax 29298
commissioner shall distribute the amount credited to the 29299
permissive tax distribution fund during the preceding month by 29300
providing for payment of the appropriate amount to the county 29301
treasurer of the county in which the tax is levied. 29302

Sec. 5743.025. In addition to the return required by section 29303
5743.03 of the Revised Code, each retail dealer in a county 29304
~~levying in which~~ a tax is levied under section 5743.021, 5743.024, 29305
or 5743.026 of the Revised Code shall, within thirty days after 29306
the date on which a ~~tax levied under such section~~ the tax takes 29307

effect, make and file a return, on forms prescribed by the tax 29308
commissioner, showing the total number of cigarettes which such 29309
retail dealer had on hand as of the beginning of business on the 29310
date on which the tax takes effect, and such other information as 29311
the commissioner deems necessary for the administration of section 29312
5743.021, 5743.024, or 5743.026 of the Revised Code. Each retail 29313
dealer shall deliver the return together with a remittance of the 29314
additional amount of tax due on the cigarettes shown on such 29315
return to the treasurer of state. The treasurer of state shall 29316
stamp or otherwise mark on the return the date it was received and 29317
shall also show thereon by stamp or otherwise the tax payment 29318
remitted with the return. Thereafter, the treasurer of state shall 29319
immediately transmit all returns filed under this section to the 29320
tax commissioner. Any retail dealer who fails to file a return 29321
under this section shall, for each day the retail dealer so fails, 29322
forfeit and pay into the state treasury the sum of one dollar as 29323
revenue arising from the tax imposed by section 5743.021, 29324
5743.024, or 5743.026 of the Revised Code, and such sum may be 29325
collected by assessment in the manner provided in section 5743.081 29326
of the Revised Code. For thirty days after the effective date of a 29327
tax imposed by section 5743.021, 5743.024, or 5743.026 of the 29328
Revised Code, a retail dealer may possess for sale or sell in the 29329
county in which the tax is levied cigarettes not bearing the stamp 29330
or impression required by section 5743.03 of the Revised Code to 29331
evidence payment of the county tax but on which the tax has or 29332
will be paid. 29333

Sec. 5743.03. (A) Except as provided in section 5743.04 of 29334
the Revised Code, the taxes imposed under sections 5743.02, 29335
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 29336
by the purchase of stamps. A stamp shall be affixed to each 29337
package of an aggregate denomination not less than the amount of 29338
the tax upon the contents thereof. The stamp, so affixed, shall be 29339

prima-facie evidence of payment of the tax. 29340

Except as is provided in the rules prescribed by the tax 29341
commissioner under authority of sections 5743.01 to 5743.20 of the 29342
Revised Code, and unless tax stamps have been previously affixed, 29343
they shall be so affixed by each wholesale dealer, and canceled by 29344
writing or stamping across the face thereof the number assigned to 29345
such wholesale dealer by the tax commissioner for that purpose, 29346
prior to the delivery of any cigarettes to any person in this 29347
state, or in the case of a tax levied pursuant to section 29348
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 29349
delivery of cigarettes to any person in the county in which the 29350
tax is levied. 29351

(B) Except as provided in the rules prescribed by the 29352
commissioner under authority of sections 5743.01 to 5743.20 of the 29353
Revised Code, each retail dealer, within twenty-four hours after 29354
the receipt of any cigarettes at the retail dealer's place of 29355
business, shall inspect the cigarettes to ensure that tax stamps 29356
are affixed. The inspection shall be completed before the 29357
cigarettes are delivered to any person in this state, or, in the 29358
case of a tax levied pursuant to section 5743.021, 5743.024, or 29359
5743.026 of the Revised Code, before the cigarettes are delivered 29360
to any person in the county in which the tax is levied. 29361

(C) Whenever any cigarettes are found in the place of 29362
business of any retail dealer without proper tax stamps affixed 29363
thereto and canceled, it is presumed that such cigarettes are kept 29364
therein in violation of sections 5743.01 to 5743.20 of the Revised 29365
Code. 29366

(D) Each wholesale dealer who purchases cigarettes without 29367
proper tax stamps affixed thereto shall, on or before the 29368
thirty-first day of the month following the close of each 29369
semiannual period, which period shall end on the thirtieth day of 29370
June and the thirty-first day of December of each year, make and 29371

file a return of the preceding semiannual period, on such form as 29372
is prescribed by the tax commissioner, showing the dealer's entire 29373
purchases and sales of cigarettes and stamps or impressions for 29374
such semiannual period and accurate inventories as of the 29375
beginning and end of each semiannual period of cigarettes, stamped 29376
or unstamped; cigarette tax stamps affixed or unaffixed and unused 29377
meter impressions; and such other information as the commissioner 29378
finds necessary to the proper administration of sections 5743.01 29379
to 5743.20 of the Revised Code. The commissioner may extend the 29380
time for making and filing returns and may remit all or any part 29381
of amounts of penalties that may become due under sections 5743.01 29382
to 5743.20 of the Revised Code. The wholesale dealer shall deliver 29383
the return together with a remittance of the tax deficiency 29384
reported thereon to the treasurer of state. The treasurer of state 29385
shall stamp or otherwise mark on the return the date it was 29386
received and shall also show thereon by stamp or otherwise a 29387
payment or nonpayment of the deficiency shown by the return. 29388
Thereafter, the treasurer of state shall immediately transmit all 29389
returns filed under this section to the commissioner. 29390

(E) Any wholesale dealer who fails to file a return under 29391
this section and the rules of the commissioner, other than a 29392
report required pursuant to division (F) of this section, may be 29393
required, for each day the dealer so fails, to forfeit and pay 29394
into the state treasury the sum of one dollar as revenue arising 29395
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 29396
Code and such sum may be collected by assessment in the manner 29397
provided in section 5743.081 of the Revised Code. If the 29398
commissioner finds it necessary in order to insure the payment of 29399
the tax imposed by sections 5743.01 to 5743.20 of the Revised 29400
Code, the commissioner may require returns and payments to be made 29401
other than semiannually. The returns shall be signed by the 29402
wholesale dealer or an authorized agent thereof. 29403

(F) Each person required to file a tax return under section 29404
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 29405
the commissioner the quantity of all cigarettes and roll-your-own 29406
cigarette tobacco sold in Ohio for each brand not covered by the 29407
tobacco master settlement agreement for which the person is liable 29408
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 29409
the Revised Code. 29410

As used in this division, "tobacco master settlement 29411
agreement" has the same meaning as in section 183.01 of the 29412
Revised Code. 29413

(G) The report required by division (F) of this section shall 29414
be made on a form prescribed by the commissioner and shall be 29415
filed not later than the last day of each month for the previous 29416
month, except that if the commissioner determines that the 29417
quantity reported by a person does not warrant monthly reporting, 29418
the commissioner may authorize reporting at less frequent 29419
intervals. The commissioner may assess a penalty of not more than 29420
two hundred fifty dollars for each month or portion thereof that a 29421
person fails to timely file a required report, and such sum may be 29422
collected by assessment in the manner provided in section 5743.081 29423
of the Revised Code. All money collected under this division shall 29424
be considered as revenue arising from the taxes imposed by 29425
sections 5743.01 to 5743.20 of the Revised Code. 29426

Sec. 5743.04. The tax commissioner shall design and procure 29427
the stamps provided for in section 5743.03 of the Revised Code and 29428
shall enforce and administer sections 5743.01 to 5743.44 of the 29429
Revised Code. With respect to packages containing any number of 29430
cigarettes other than twenty, if the commissioner finds that it is 29431
practicable to collect the taxes levied under sections 5743.02, 29432
5743.021, 5743.024, and 5743.026 of the Revised Code by any method 29433
other than that provided in this section and section 5743.03 of 29434

the Revised Code, the commissioner may by rule prescribe such 29435
other method for payment of the taxes upon such packages of 29436
cigarettes as will adequately protect the revenue; provided, that 29437
in any case where the commissioner prescribes that the taxes upon 29438
such packages of cigarettes shall be paid on the basis of returns 29439
filed by a wholesale or retail dealer, said returns, together with 29440
a remittance of all taxes due as shown thereon, shall be filed 29441
with the treasurer of state not later than the tenth day of the 29442
month following the month in which such cigarettes are sold in 29443
this state. The commissioner may promulgate rules in accordance 29444
with sections 119.01 to 119.13 of the Revised Code as the 29445
commissioner deems necessary to carry out sections 5743.01 to 29446
5743.44 of the Revised Code and may adopt different detailed rules 29447
applicable to diverse methods and conditions of sale of 29448
cigarettes, prescribing, in each class of cases, upon whom, as 29449
between the wholesale dealer and the retail dealer, the primary 29450
duty of affixing stamps shall rest, and the manner in which stamps 29451
shall be affixed. A copy of such rules shall be furnished to every 29452
licensed dealer as provided in sections 119.01 to 119.13 of the 29453
Revised Code. Any such rule so furnished which excuses a wholesale 29454
dealer from affixing stamps under the circumstances of the 29455
particular case shall be a defense in the prosecution of such 29456
dealer for violation of section 5743.03 of the Revised Code. 29457

The commissioner, after determining that it is practicable to 29458
evidence payment of the taxes levied under sections 5743.02, 29459
5743.021, 5743.024, and 5743.026 of the Revised Code by impression 29460
made by a metering device, shall by resolution provide that such 29461
metering device may be used in lieu of the stamps otherwise 29462
provided for in section 5743.03 of the Revised Code. The 29463
commissioner may authorize any wholesale or retail dealer to use 29464
the metering device approved by the commissioner. Such device 29465
before being used shall be sealed by the treasurer of state, and 29466
shall be used only in accordance with the rules prescribed by the 29467

commissioner. 29468

Wholesale and retail dealers authorized to use said device 29469
shall prepay the tax represented by meter impressions and shall 29470
deliver the metering device to the treasurer of state or county 29471
treasurer in the county in which the place of business of any 29472
wholesaler or retailer is located if such treasurer is designated 29473
by the treasurer of state, who shall seal the meter in accordance 29474
with the prepayments so made. 29475

Sec. 5743.05. All stamps provided for by section 5743.03 of 29476
the Revised Code, when procured by the tax commissioner, shall be 29477
immediately delivered to the treasurer of state, who shall execute 29478
a receipt therefor showing the number and aggregate face value of 29479
each denomination received by the treasurer of state and any other 29480
information that the commissioner requires to enforce the 29481
collection and distribution of all taxes imposed under section 29482
5743.021, 5743.024, or 5743.026 of the Revised Code, and deliver 29483
the receipt to the commissioner. The treasurer of state shall sell 29484
the stamps and, on the fifth day of each month, make a report 29485
showing all sales made during the preceding month, with the names 29486
of purchasers, the number of each denomination, the aggregate face 29487
value purchased by each, and any other information as the 29488
commissioner requires to enforce the collection and distribution 29489
of all taxes imposed under section 5743.021, 5743.024, or 5743.026 29490
of the Revised Code, and deliver it to the commissioner. The 29491
treasurer of state shall be accountable for all stamps received 29492
and unsold. The stamps shall be sold and accounted for at their 29493
face value, except the commissioner shall, by rule certified to 29494
the treasurer of state, authorize the sale of stamps and meter 29495
impressions to wholesale or retail dealers in this state, or to 29496
wholesale dealers outside this state, at a discount of not less 29497
than one and eight-tenths per cent or more than ten per cent of 29498
their face value, as a commission for affixing and canceling the 29499

stamps or meter impressions. 29500

The commissioner, by rule certified to the treasurer of 29501
state, shall authorize the delivery of stamps and meter 29502
impressions to wholesale dealers in this state and to wholesale 29503
dealers outside this state on credit. If such a dealer has not 29504
been in good credit standing with this state for five consecutive 29505
years preceding the purchase, the tax commissioner shall require 29506
the dealer to file with the commissioner a bond to the state in 29507
the amount and in the form prescribed by the commissioner, with 29508
surety to the satisfaction of the commissioner, conditioned on 29509
payment to the treasurer of state within thirty days for stamps or 29510
meter impressions delivered within that time. If such a dealer has 29511
been in good credit standing with this state for five consecutive 29512
years preceding the purchase, the tax commissioner shall not 29513
require that the dealer file such a bond but shall require payment 29514
for the stamps and meter impressions within thirty days after 29515
purchase of the stamps and meter impressions. Stamps and meter 29516
impressions sold to a dealer not required to file a bond shall be 29517
sold at face value. The maximum amount that may be sold on credit 29518
to a dealer not required to file a bond shall equal one hundred 29519
ten per cent of the dealer's average monthly purchases over the 29520
preceding calendar year. The maximum amount shall be adjusted to 29521
reflect any changes in the tax rate and may be adjusted, upon 29522
application to the tax commissioner by the dealer, to reflect 29523
changes in the business operations of the dealer. The maximum 29524
amount shall be applicable to the period of July through April. 29525
Payment by a dealer not required to file a bond shall be remitted 29526
by electronic funds transfer as prescribed by section 5743.051 of 29527
the Revised Code. If a dealer not required to file a bond fails to 29528
make the payment in full within the thirty-day period, the 29529
treasurer of state shall not thereafter sell stamps or meter 29530
impressions to that dealer until the dealer pays the outstanding 29531
amount, including penalty and interest on that amount as 29532

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. 29565

If a refund is granted for payment of an illegal or erroneous 29566
assessment issued by the department, the refund shall include 29567
interest on the amount of the refund from the date of the 29568
overpayment. The interest shall be computed at the rate per annum 29569
prescribed by section 5703.47 of the Revised Code. 29570

Sec. 5743.08. Whenever the tax commissioner discovers any 29571
cigarettes which are being shipped, or which have been shipped, or 29572
transported in violation of section 2927.023 of the Revised Code, 29573
or discovers cigarettes, subject to the taxes levied under section 29574
5743.02, 5743.021, 5743.024, or 5743.026 of the Revised Code, and 29575
upon which the taxes have not been paid or that are held for sale 29576
or distribution in violation of any other provision of this 29577
chapter, the commissioner may seize and take possession of such 29578
cigarettes, which shall thereupon be forfeited to the state, and 29579
the commissioner, within a reasonable time thereafter sell or 29580
destroy the forfeited cigarettes. If the commissioner sells 29581
cigarettes under this section, the commissioner shall use proceeds 29582
from the sale to pay the costs incurred in the proceedings. Any 29583
proceeds remaining after all costs have been paid shall be 29584
considered revenue arising from the taxes levied under this 29585
chapter. Seizure and sale shall not be deemed to relieve any 29586
person from the fine or imprisonment provided for violation of 29587
sections 5743.01 to 5743.20 of the Revised Code. A sale shall be 29588
made where it is most convenient and economical. The tax 29589
commissioner may order the destruction of the forfeited cigarettes 29590
if the quantity or quality of the cigarettes is not sufficient to 29591
warrant their sale. 29592

Sec. 5743.081. (A) If any wholesale dealer or retail dealer 29593
fails to pay the tax levied under section 5743.02, 5743.021, 29594

5743.024, or 5743.026 of the Revised Code as required by sections 29595
5743.01 to 5743.20 of the Revised Code, and by the rules of the 29596
tax commissioner, or fails to collect the tax from the purchaser 29597
or consumer, the commissioner may make an assessment against the 29598
wholesale or retail dealer based upon any information in the 29599
commissioner's possession. 29600

The commissioner may make an assessment against any wholesale 29601
or retail dealer who fails to file a return required by section 29602
5743.03 or 5743.025 of the Revised Code. 29603

No assessment shall be made against any wholesale or retail 29604
dealer for any taxes imposed under section 5743.02, 5743.021, 29605
5743.024, or 5743.026 of the Revised Code more than three years 29606
after the last day of the calendar month that immediately follows 29607
the semiannual period prescribed in section 5743.03 of the Revised 29608
Code in which the sale was made, or more than three years after 29609
the semiannual return for such period is filed, whichever is 29610
later. This section does not bar an assessment against any 29611
wholesale or retail dealer who fails to file a return as required 29612
by section 5743.025 or 5743.03 of the Revised Code, or who files a 29613
fraudulent return. 29614

A penalty of up to thirty per cent may be added to the amount 29615
of every assessment made under this section. The commissioner may 29616
adopt rules providing for the imposition and remission of 29617
penalties added to assessments made under this section. 29618

The commissioner shall give the party assessed written notice 29619
of the assessment in the manner provided in section 5703.37 of the 29620
Revised Code. The notice shall specify separately any portion of 29621
the assessment that represents a county tax. With the notice, the 29622
commissioner shall provide instructions on how to petition for 29623
reassessment and request a hearing on the petition. 29624

(B) Unless the party assessed files with the tax commissioner 29625

within sixty days after service of the notice of assessment, 29626
either personally or by certified mail, a written petition for 29627
reassessment signed by the party assessed or that party's 29628
authorized agent having knowledge of the facts, the assessment 29629
becomes final and the amount of the assessment is due and payable 29630
from the party assessed to the treasurer of state. The petition 29631
shall indicate the objections of the party assessed, but 29632
additional objections may be raised in writing if received by the 29633
commissioner prior to the date shown on the final determination. 29634
If the petition has been properly filed, the commissioner shall 29635
proceed under section 5703.60 of the Revised Code. 29636

(C) After an assessment becomes final, if any portion of the 29637
assessment remains unpaid, including accrued interest, a certified 29638
copy of the tax commissioner's entry making the assessment final 29639
may be filed in the office of the clerk of the court of common 29640
pleas in the county in which the wholesale or retail dealer's 29641
place of business is located or the county in which the party 29642
assessed resides. If the party assessed maintains no place of 29643
business in this state and is not a resident of this state, the 29644
certified copy of the entry may be filed in the office of the 29645
clerk of the court of common pleas of Franklin county. 29646

Immediately upon the filing of the commissioner's entry, the 29647
clerk shall enter a judgment for the state against the party 29648
assessed in the amount shown on the entry. The judgment may be 29649
filed by the clerk in a loose-leaf book entitled "special 29650
judgments for state cigarette sales tax," and shall have the same 29651
effect as other judgments. Execution shall issue upon the judgment 29652
upon the request of the tax commissioner, and all laws applicable 29653
to sales on execution shall apply to sales made under the 29654
judgment, except as otherwise provided in sections 5743.01 to 29655
5743.20 of the Revised Code. 29656

The portion of the assessment not paid within sixty days 29657

after the assessment was issued shall bear interest at the rate 29658
per annum prescribed by section 5703.47 of the Revised Code from 29659
the day the commissioner issues the assessment until it is paid. 29660
Interest shall be paid in the same manner as the tax and may be 29661
collected by the issuance of an assessment under this section. 29662

(D) All money collected by the tax commissioner under this 29663
section shall be paid to the treasurer of state, and when paid 29664
shall be considered as revenue arising from the taxes imposed by 29665
sections 5743.01 to 5743.20 of the Revised Code. 29666

Sec. 5743.12. No person shall make a false entry upon an 29667
invoice, package, or container of cigarettes upon which an entry 29668
is required by sections 5743.01 to 5743.20 of the Revised Code, 29669
nor shall any person present any such false entry for the 29670
inspection of the tax commissioner with intent to evade the tax 29671
levied under section 5743.02, 5743.021, 5743.024, or 5743.026 of 29672
the Revised Code. 29673

Sec. 5743.13. No person shall falsely or fraudulently make, 29674
forge, alter, or counterfeit any stamp prescribed by the tax 29675
commissioner under section 5743.03 of the Revised Code, or cause 29676
to be falsely or fraudulently made, forged, altered, or 29677
counterfeited any such stamp, or possess any counterfeiting 29678
device, or knowingly and willfully utter, publish, pass, or tender 29679
as true, any such false, altered, forged, or counterfeited stamp, 29680
or use more than once any such stamp for the purpose of evading 29681
the tax levied under section 5743.02, 5743.021, 5743.024, or 29682
5743.026 of the Revised Code. 29683

Sec. 5743.15. (A) No person shall engage in this state in the 29684
wholesale or retail business of trafficking in cigarettes or in 29685
the business of a manufacturer or importer of cigarettes without 29686
having a license to conduct each such activity issued by a county 29687

auditor under division (B) of this section or the tax commissioner 29688
under division (E) of this section, except that on dissolution of 29689
a partnership by death, the surviving partner may operate under 29690
the license of the partnership until expiration of the license, 29691
and the heirs or legal representatives of deceased persons, and 29692
receivers and trustees in bankruptcy appointed by any competent 29693
authority, may operate under the license of the person succeeded 29694
in possession by such heir, representative, receiver, or trustee 29695
in bankruptcy. 29696

(B) Each applicant for a license to engage in the wholesale 29697
or retail business of trafficking in cigarettes under this 29698
section, annually, on or before the fourth Monday of May, shall 29699
make and deliver to the county auditor of the county in which the 29700
applicant desires to engage in the wholesale or retail business of 29701
trafficking in cigarettes, upon a blank furnished by such auditor 29702
for that purpose, a statement showing the name of the applicant, 29703
each place in the county where the applicant's business is 29704
conducted, the nature of the business, and any other information 29705
the tax commissioner requires in the form of statement prescribed 29706
by the commissioner. If the applicant is a firm, partnership, or 29707
association other than a corporation, the application shall state 29708
the name and address of each of its members. If the applicant is a 29709
corporation, the application shall state the name and address of 29710
each of its officers. At the time of making the application 29711
required by this section, every person desiring to engage in the 29712
wholesale business of trafficking in cigarettes shall pay into the 29713
county treasury a license tax in the sum of two hundred dollars, 29714
or if desiring to engage in the retail business of trafficking in 29715
cigarettes, a license tax in the sum of thirty dollars for each of 29716
the first five places where the person proposes to carry on such 29717
business and twenty-five dollars for each additional place. Each 29718
place of business shall be deemed such space, under lease or 29719
license to, or under the control of, or under the supervision of 29720

the applicant, as is contained in one or more contiguous, 29721
adjacent, or adjoining buildings constituting an industrial plant 29722
or a place of business operated by, or under the control of, one 29723
person, or under one roof and connected by doors, halls, 29724
stairways, or elevators, which space may contain any number of 29725
points at which cigarettes are offered for sale, provided that 29726
each additional point at which cigarettes are offered for sale 29727
shall be listed in the application. 29728

Upon receipt of the application and exhibition of the county 29729
treasurer's receipt showing the payment of the tax, the county 29730
auditor shall issue to the applicant a license for each place of 29731
business designated in the application, authorizing the applicant 29732
to engage in such business at such place for one year commencing 29733
on the fourth Monday of May. Companies operating club or dining 29734
cars or other cars upon which cigarettes are sold shall obtain 29735
licenses at railroad terminals within the state, under such rules 29736
as are prescribed by the commissioner. The form of the license 29737
shall be prescribed by the commissioner. A duplicate license may 29738
be obtained from the county auditor upon payment of a fifty cent 29739
fee if the original license is lost, destroyed, or defaced. When 29740
an application is filed after the fourth Monday of May, the 29741
license tax required to be paid shall be proportioned in amount to 29742
the remainder of the license year, except that it shall not be 29743
less than one fifth of the whole amount in any one year. 29744

The holder of a wholesale or retail dealer's cigarette 29745
license may transfer the license to a place of business within the 29746
same county other than that designated on the license or may 29747
assign the license to another person for use in the same county on 29748
condition that the licensee or assignee, whichever is applicable, 29749
make application to the county auditor therefor, upon forms 29750
approved by the commissioner and the payment of a fee of one 29751
dollar into the county treasury. 29752

(C)(1) The wholesale cigarette license tax revenue collected 29753
under this section shall be distributed as follows: 29754

(a) Thirty-seven and one-half per cent shall be paid upon the 29755
warrant of the county auditor into the treasury of the municipal 29756
corporation or township in which the place of business for which 29757
the tax revenue was received is located; 29758

(b) Fifteen per cent shall be credited to the general fund of 29759
the county; 29760

(c) Forty-seven and one-half per cent shall be paid into the 29761
cigarette tax enforcement fund created by division (C) of this 29762
section. 29763

(2) The revenue collected from the thirty dollar tax imposed 29764
upon the first five places of business of a person engaged in the 29765
retail business of trafficking in cigarettes shall be distributed 29766
as follows: 29767

(a) Sixty-two and one-half per cent shall be paid upon the 29768
warrant of the county auditor into the treasury of the municipal 29769
corporation or township in which the places of business for which 29770
the tax revenue was received are located; 29771

(b) Twenty-two and one-half per cent shall be credited to the 29772
general fund of the county; 29773

(c) Fifteen per cent shall be paid into the cigarette tax 29774
enforcement fund created by division (C) of this section. 29775

(3) The remainder of the revenues and fines collected under 29776
this section and the penal laws relating to cigarettes shall be 29777
distributed as follows: 29778

(a) Three-fourths shall be paid upon the warrant of the 29779
county auditor into the treasury of the municipal corporation or 29780
township in which the place of business, on account of which the 29781
revenues and fines were received, is located; 29782

(b) One-fourth shall be credited to the general fund of the county. 29783
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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. 29785
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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 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. 29789
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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. 29798
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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. 29809
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(2) The issuing of a license under division (E)(1) of this 29813

section to a manufacturer does not excuse a manufacturer from the 29814
certification process required under section 1346.05 of the 29815
Revised Code. A manufacturer who is issued a license issued under 29816
division (E)(1) of this section ~~to a manufacturer and~~ who is not 29817
listed on the directory required under section 1346.05 of the 29818
Revised Code shall ~~cease to be valid and shall be revoked by the~~ 29819
~~commissioner as provided in section 5743.18 of the Revised Code~~ 29820
not be permitted to sell cigarettes in this state other than to a 29821
licensed cigarette wholesaler for sale outside this state. Such a 29822
manufacturer shall provide documentation to the commissioner 29823
evidencing that the cigarettes are legal for sale in another 29824
state. 29825

(3) The tax commissioner may adopt rules necessary to 29826
administer division (E) of this section. 29827

Sec. 5743.321. For the same purposes for which it levies a 29828
tax under section 5743.021 of the Revised Code, the board of 29829
county commissioners of a county that has within its territorial 29830
boundaries a qualifying regional arts and cultural district and 29831
that levies a tax under that section, by resolution adopted by a 29832
majority of the board, shall levy a tax at the same rate on the 29833
use, consumption, or storage for consumption of cigarettes by 29834
consumers in the county in which that tax is levied, provided that 29835
the tax shall not apply if the tax levied by section 5743.021 of 29836
the Revised Code has been paid. The tax shall take effect on the 29837
date that a tax levied under that section takes effect, and shall 29838
remain in effect as long as the tax levied under that section 29839
remains effective. 29840

Sec. 5743.33. Except as provided in section 5747.331 of the 29841
Revised Code, every person who has acquired cigarettes for use, 29842
storage, or other consumption subject to the tax levied under 29843
section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised 29844

Code, shall, on or before the fifteenth day of the month following 29845
receipt of such cigarettes, file with the tax commissioner a 29846
return showing the amount of cigarettes acquired, together with 29847
remittance of the tax thereon. No such person shall transport 29848
within this state, cigarettes that have a wholesale value in 29849
excess of three hundred dollars, unless that person has obtained 29850
consent to transport the cigarettes from the department of 29851
taxation prior to such transportation. Such consent shall not be 29852
required if the applicable taxes levied under sections 5743.02, 29853
5743.021, 5743.024, and 5743.026 of the Revised Code have been 29854
paid. Application for the consent shall be in the form prescribed 29855
by the tax commissioner. 29856

Every person transporting such cigarettes shall possess the 29857
consent while transporting or possessing the cigarettes within 29858
this state and shall produce the consent upon request of any law 29859
enforcement officer or authorized agent of the tax commissioner. 29860

Any person transporting such cigarettes without the consent 29861
required by this section, shall be subject to the provisions of 29862
this chapter, including the applicable taxes imposed ~~by~~ under 29863
sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised 29864
Code. 29865

Sec. 5743.34. If any person required to pay the tax levied 29866
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 29867
Revised Code, fails to make remittance, the tax commissioner may 29868
issue an assessment against that person based on any information 29869
in the commissioner's possession. 29870

Sections 5743.081 and 5743.082 of the Revised Code relating 29871
to the assessments or findings, appeals from assessments or 29872
findings, the effect of assessments or findings before or after 29873
hearing and before or after filing the same in the office of the 29874
clerk of the court of common pleas, and all sections relating to 29875

the procedure, authority, duties, liabilities, powers, and 29876
privileges of the person assessed, the commissioner, the clerk, 29877
and all other public officials, shall be applicable to assessments 29878
made pursuant to this section. 29879

Sec. 5743.35. No person required by section 5743.33 of the 29880
Revised Code to file a return with the tax commissioner shall fail 29881
to make such return, or fail to pay the applicable taxes levied 29882
under section 5743.32, 5743.321, 5743.323, or 5743.324 of the 29883
Revised Code, or fail to pay any lawful assessment issued by the 29884
commissioner. 29885

Sec. 5745.01. As used in this chapter: 29886

(A) "Electric company," "combined company," and "telephone 29887
company," have the same meanings as in section 5727.01 of the 29888
Revised Code, except "telephone company" does not include a non 29889
profit corporation. 29890

(B) "Electric light company" has the same meaning as in 29891
section 4928.01 of the Revised Code, and includes the activities 29892
of a combined company as an electric company, but excludes 29893
nonprofit companies and municipal corporations. 29894

(C) "Taxpayer" means either of the following: 29895

(1) An electric light company subject to taxation by a 29896
municipal corporation in this state for a taxable year, excluding 29897
an electric light company that is not an electric company or a 29898
combined company and for which an election made under section 29899
5745.031 of the Revised Code is not in effect with respect to the 29900
taxable year. If such a company is a qualified subchapter S 29901
subsidiary as defined in section 1361 of the Internal Revenue Code 29902
or a disregarded entity, the company's parent S corporation or 29903
owner is the taxpayer for the purposes of this chapter and is 29904
hereby deemed to have nexus with this state under the Constitution 29905

of the United States for the purposes of this chapter. 29906

(2) A telephone company subject to taxation by a municipal 29907
corporation in this state for a taxable year. A telephone company 29908
is subject to taxation under this chapter for any taxable year 29909
that begins on or after January 1, 2004. A telephone company with 29910
a taxable year ending in 2004 shall compute the tax imposed under 29911
this chapter, or shall compute its net operating loss carried 29912
forward for that taxable year, by multiplying the tax owed, or the 29913
loss for the taxable year, by fifty per cent. 29914

(D) "Disregarded entity" means an entity that, for its 29915
taxable year, is by default, or has elected to be, disregarded as 29916
an entity separate from its owner pursuant to 26 C.F.R. 29917
301.7701-3. 29918

(E) "Taxable year" of a taxpayer is the taxpayer's taxable 29919
year for federal income tax purposes. 29920

(F) "Federal taxable income" means taxable income, before 29921
operating loss deduction and special deductions, as required to be 29922
reported for the taxpayer's taxable year under the Internal 29923
Revenue Code. 29924

(G) "Adjusted federal taxable income" means federal taxable 29925
income adjusted as follows: 29926

(1) Deduct intangible income as defined in section 718.01 of 29927
the Revised Code to the extent included in federal taxable income; 29928

(2) Add expenses incurred in the production of such 29929
intangible income; 29930

(3) If, with respect to a qualifying taxpayer and a 29931
qualifying asset there occurs a qualifying taxable event, the 29932
qualifying taxpayer shall reduce its federal taxable income, as 29933
defined in division (F) of this section, by the amount of the 29934
book-tax difference for that qualifying asset if the book-tax 29935

difference is greater than zero, and shall increase its federal
taxable income by the absolute value of the amount of the book-tax
difference for that qualifying asset if the book-tax difference is
less than zero. The adjustments provided in division (G)(3) of
this section are subject to divisions (B)(3), (4), and (5) of
section 5733.0510 of the Revised Code to the extent those
divisions apply to the adjustments in that section for the taxable
year. A taxpayer shall not deduct or add any amount under division
(G)(3) of this section with respect to a qualifying asset the
sale, exchange, or other disposition of which resulted in the
recognition of a gain or loss that the taxpayer deducted or added,
respectively, under division (G)(1) or (2) of this section.

For the purposes of division (G)(3) of this section,
"book-tax difference," "qualifying taxpayer," "qualifying asset,"
and "qualifying taxable event" have the same meanings as in
section 5733.0510 of the Revised Code.

(4) If the taxpayer is not a C corporation and is not an
individual, the taxpayer shall compute "adjusted federal taxable
income" as if the taxpayer were a C corporation, except:

(a) Guaranteed payments and other similar amounts paid or
accrued to a partner, former partner, or member or former member
shall not be allowed as a deductible expense; and

(b) With respect to each owner or owner-employee of the
taxpayer, amounts paid or accrued to a qualified self-employed
retirement plan and amounts paid or accrued to or for health
insurance or life insurance shall not be allowed as a deduction.

Nothing in this division shall be construed as allowing the
taxpayer to deduct any amount more than once.

(5) Add or deduct the amounts described in section 5733.0511
of the Revised Code for qualifying telephone company taxpayers.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as ~~it existed on December 31, 2001~~ amended. 29966
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(I) "Ohio net income" means the amount determined under division (B) of section 5745.02 of the Revised Code. 29969
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Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 29971
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As used in this chapter: 29980

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section: 29981
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(1) Add interest or dividends 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. 29984
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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes. 29987
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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted 29992
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gross income but exempt from state income taxes under the laws of the United States. 29996
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 29998
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 30000
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 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. 30004
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"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. 30013
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(7) Deduct the amount of wages and salaries, if any, not 30026

otherwise allowable as a deduction but that would have been 30027
allowable as a deduction in computing federal adjusted gross 30028
income for the taxable year, had the targeted jobs credit allowed 30029
and determined under sections 38, 51, and 52 of the Internal 30030
Revenue Code not been in effect. 30031

(8) Deduct any interest or interest equivalent on public 30032
obligations and purchase obligations to the extent that the 30033
interest or interest equivalent is included in federal adjusted 30034
gross income. 30035

(9) Add any loss or deduct any gain resulting from the sale, 30036
exchange, or other disposition of public obligations to the extent 30037
that the loss has been deducted or the gain has been included in 30038
computing federal adjusted gross income. 30039

(10) Deduct or add amounts, as provided under section 5747.70 30040
of the Revised Code, related to contributions to variable college 30041
savings program accounts made or tuition units purchased pursuant 30042
to Chapter 3334. of the Revised Code. 30043

(11)(a) Deduct, to the extent not otherwise allowable as a 30044
deduction or exclusion in computing federal or Ohio adjusted gross 30045
income for the taxable year, the amount the taxpayer paid during 30046
the taxable year for medical care insurance and qualified 30047
long-term care insurance for the taxpayer, the taxpayer's spouse, 30048
and dependents. No deduction for medical care insurance under 30049
division (A)(11) of this section shall be allowed either to any 30050
taxpayer who is eligible to participate in any subsidized health 30051
plan maintained by any employer of the taxpayer or of the 30052
taxpayer's spouse, or to any taxpayer who is entitled to, or on 30053
application would be entitled to, benefits under part A of Title 30054
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 30055
301, as amended. For the purposes of division (A)(11)(a) of this 30056
section, "subsidized health plan" means a health plan for which 30057

the employer pays any portion of the plan's cost. The deduction 30058
allowed under division (A)(11)(a) of this section shall be the net 30059
of any related premium refunds, related premium reimbursements, or 30060
related insurance premium dividends received during the taxable 30061
year. 30062

(b) Deduct, to the extent not otherwise deducted or excluded 30063
in computing federal or Ohio adjusted gross income during the 30064
taxable year, the amount the taxpayer paid during the taxable 30065
year, not compensated for by any insurance or otherwise, for 30066
medical care of the taxpayer, the taxpayer's spouse, and 30067
dependents, to the extent the expenses exceed seven and one-half 30068
per cent of the taxpayer's federal adjusted gross income. 30069

(c) For purposes of division (A)(11) of this section, 30070
"medical care" has the meaning given in section 213 of the 30071
Internal Revenue Code, subject to the special rules, limitations, 30072
and exclusions set forth therein, and "qualified long-term care" 30073
has the same meaning given in section 7702~~(B)(b)~~B(c) of the 30074
Internal Revenue Code. 30075

(12)(a) Deduct any amount included in federal adjusted gross 30076
income solely because the amount represents a reimbursement or 30077
refund of expenses that in any year the taxpayer had deducted as 30078
an itemized deduction pursuant to section 63 of the Internal 30079
Revenue Code and applicable United States department of the 30080
treasury regulations. The deduction otherwise allowed under 30081
division (A)(12)(a) of this section shall be reduced to the extent 30082
the reimbursement is attributable to an amount the taxpayer 30083
deducted under this section in any taxable year. 30084

(b) Add any amount not otherwise included in Ohio adjusted 30085
gross income for any taxable year to the extent that the amount is 30086
attributable to the recovery during the taxable year of any amount 30087
deducted or excluded in computing federal or Ohio adjusted gross 30088

income in any taxable year.	30089
(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:	30090 30091 30092 30093
(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;	30094 30095 30096 30097
(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.	30098 30099
(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.	30100 30101 30102 30103 30104 30105 30106
(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;	30107 30108 30109 30110 30111 30112
(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.	30113 30114 30115
(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:	30116 30117 30118

(a) The amount was deducted or excluded from the computation 30119
of the taxpayer's federal adjusted gross income as required to be 30120
reported for the taxpayer's taxable year under the Internal 30121
Revenue Code; 30122

(b) The amount resulted in a reduction of the taxpayer's 30123
federal adjusted gross income as required to be reported for any 30124
of the taxpayer's taxable years under the Internal Revenue Code. 30125

(17) Deduct the amount contributed by the taxpayer to an 30126
individual development account program established by a county 30127
department of job and family services pursuant to sections 329.11 30128
to 329.14 of the Revised Code for the purpose of matching funds 30129
deposited by program participants. On request of the tax 30130
commissioner, the taxpayer shall provide any information that, in 30131
the tax commissioner's opinion, is necessary to establish the 30132
amount deducted under division (A)(17) of this section. 30133

(18) Beginning in taxable year 2001 but not for any taxable 30134
year beginning after December 31, 2005, if the taxpayer is married 30135
and files a joint return and the combined federal adjusted gross 30136
income of the taxpayer and the taxpayer's spouse for the taxable 30137
year does not exceed one hundred thousand dollars, or if the 30138
taxpayer is single and has a federal adjusted gross income for the 30139
taxable year not exceeding fifty thousand dollars, deduct amounts 30140
paid during the taxable year for qualified tuition and fees paid 30141
to an eligible institution for the taxpayer, the taxpayer's 30142
spouse, or any dependent of the taxpayer, who is a resident of 30143
this state and is enrolled in or attending a program that 30144
culminates in a degree or diploma at an eligible institution. The 30145
deduction may be claimed only to the extent that qualified tuition 30146
and fees are not otherwise deducted or excluded for any taxable 30147
year from federal or Ohio adjusted gross income. The deduction may 30148
not be claimed for educational expenses for which the taxpayer 30149
claims a credit under section 5747.27 of the Revised Code. 30150

(19) Add any reimbursement received during the taxable year 30151
of any amount the taxpayer deducted under division (A)(18) of this 30152
section in any previous taxable year to the extent the amount is 30153
not otherwise included in Ohio adjusted gross income. 30154

(20)(a)(i) Add five-sixths of the amount of depreciation 30155
expense allowed by subsection (k) of section 168 of the Internal 30156
Revenue Code, including the taxpayer's proportionate or 30157
distributive share of the amount of depreciation expense allowed 30158
by that subsection to a pass-through entity in which the taxpayer 30159
has a direct or indirect ownership interest. 30160

(ii) Add five-sixths of the amount of qualifying section 179 30161
depreciation expense, including a person's proportionate or 30162
distributive share of the amount of qualifying section 179 30163
depreciation expense allowed to any pass-through entity in which 30164
the person has a direct or indirect ownership. For the purposes of 30165
this division, "qualifying section 179 depreciation expense" means 30166
the difference between (I) the amount of depreciation expense 30167
directly or indirectly allowed to the taxpayer under section 179 30168
of the Internal Revenue Code, and (II) the amount of depreciation 30169
expense directly or indirectly allowed to the taxpayer under 30170
section 179 of the Internal Revenue Code as that section existed 30171
on December 31, 2002. 30172

The tax commissioner, under procedures established by the 30173
commissioner, may waive the add-backs related to a pass-through 30174
entity if the taxpayer owns, directly or indirectly, less than 30175
five per cent of the pass-through entity. 30176

(b) Nothing in division (A)(20) of this section shall be 30177
construed to adjust or modify the adjusted basis of any asset. 30178

(c) To the extent the add-back required under division 30179
(A)(20)(a) of this section is attributable to property generating 30180
nonbusiness income or loss allocated under section 5747.20 of the 30181

Revised Code, the add-back shall be situated to the same location 30182
as the nonbusiness income or loss generated by the property for 30183
the purpose of determining the credit under division (A) of 30184
section 5747.05 of the Revised Code. Otherwise, the add-back shall 30185
be apportioned, subject to one or more of the four alternative 30186
methods of apportionment enumerated in section 5747.21 of the 30187
Revised Code. 30188

(d) For the purposes of division (A) of this section, net 30189
operating loss carryback and carryforward shall not include 30190
five-sixths of the allowance of any net operating loss deduction 30191
carryback or carryforward to the taxable year to the extent such 30192
loss resulted from depreciation allowed by section 168(k) of the 30193
Internal Revenue Code and by the qualifying section 179 30194
depreciation expense amount. 30195

(21)(a) If the taxpayer was required to add an amount under 30196
division (A)(20)(a) of this section for a taxable year, deduct 30197
one-fifth of the amount so added for each of the five succeeding 30198
taxable years. 30199

(b) If the amount deducted under division (A)(21)(a) of this 30200
section is attributable to an add-back allocated under division 30201
(A)(20)(c) of this section, the amount deducted shall be situated 30202
to the same location. Otherwise, the add-back shall be apportioned 30203
using the apportionment factors for the taxable year in which the 30204
deduction is taken, subject to one or more of the four alternative 30205
methods of apportionment enumerated in section 5747.21 of the 30206
Revised Code. 30207

(c) No deduction is available under division (A)(21)(a) of 30208
this section with regard to any depreciation allowed by section 30209
168(k) of the Internal Revenue Code and by the qualifying section 30210
179 depreciation expense amount to the extent that such 30211
depreciation resulted in or increased a federal net operating loss 30212

carryback or carryforward to a taxable year to which division	30213
(A)(20)(d) of this section does not apply.	30214
<u>(22) Deduct, to the extent not otherwise deducted or excluded</u>	30215
<u>in computing federal or Ohio adjusted gross income for the taxable</u>	30216
<u>year, the amount the taxpayer received during the taxable year as</u>	30217
<u>reimbursement for life insurance premiums under section 5919.31 of</u>	30218
<u>the Revised Code.</u>	30219
<u>(23) Deduct, to the extent not otherwise deducted or excluded</u>	30220
<u>in computing federal or Ohio adjusted gross income for the taxable</u>	30221
<u>year, the amount the taxpayer received during the taxable year as</u>	30222
<u>a death benefit paid by the adjutant general under section 5919.33</u>	30223
<u>of the Revised Code.</u>	30224
(B) "Business income" means income, including gain or loss,	30225
arising from transactions, activities, and sources in the regular	30226
course of a trade or business and includes income, gain, or loss	30227
from real property, tangible property, and intangible property if	30228
the acquisition, rental, management, and disposition of the	30229
property constitute integral parts of the regular course of a	30230
trade or business operation. "Business income" includes income,	30231
including gain or loss, from a partial or complete liquidation of	30232
a business, including, but not limited to, gain or loss from the	30233
sale or other disposition of goodwill.	30234
(C) "Nonbusiness income" means all income other than business	30235
income and may include, but is not limited to, compensation, rents	30236
and royalties from real or tangible personal property, capital	30237
gains, interest, dividends and distributions, patent or copyright	30238
royalties, or lottery winnings, prizes, and awards.	30239
(D) "Compensation" means any form of remuneration paid to an	30240
employee for personal services.	30241
(E) "Fiduciary" means a guardian, trustee, executor,	30242
administrator, receiver, conservator, or any other person acting	30243

in any fiduciary capacity for any individual, trust, or estate. 30244

(F) "Fiscal year" means an accounting period of twelve months 30245
ending on the last day of any month other than December. 30246

(G) "Individual" means any natural person. 30247

(H) "Internal Revenue Code" means the "Internal Revenue Code 30248
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 30249

(I) "Resident" means any of the following, provided that 30250
division (I)(3) of this section applies only to taxable years of a 30251
trust beginning in 2002 or thereafter: 30252

(1) An individual who is domiciled in this state, subject to 30253
section 5747.24 of the Revised Code; 30254

(2) The estate of a decedent who at the time of death was 30255
domiciled in this state. The domicile tests of section 5747.24 of 30256
the Revised Code and any election under section 5747.25 of the 30257
Revised Code are not controlling for purposes of division (I)(2) 30258
of this section. 30259

(3) A trust that, in whole or part, resides in this state. If 30260
only part of a trust resides in this state, the trust is a 30261
resident only with respect to that part. 30262

For the purposes of division (I)(3) of this section: 30263

(a) A trust resides in this state for the trust's current 30264
taxable year to the extent, as described in division (I)(3)(d) of 30265
this section, that the trust consists directly or indirectly, in 30266
whole or in part, of assets, net of any related liabilities, that 30267
were transferred, or caused to be transferred, directly or 30268
indirectly, to the trust by any of the following: 30269

(i) A person, a court, or a governmental entity or 30270
instrumentality on account of the death of a decedent, but only if 30271
the trust is described in division (I)(3)(e)(i) or (ii) of this 30272
section; 30273

(ii) A person who was domiciled in this state for the 30274
purposes of this chapter when the person directly or indirectly 30275
transferred assets to an irrevocable trust, but only if at least 30276
one of the trust's qualifying beneficiaries is domiciled in this 30277
state for the purposes of this chapter during all or some portion 30278
of the trust's current taxable year; 30279

(iii) A person who was domiciled in this state for the 30280
purposes of this chapter when the trust document or instrument or 30281
part of the trust document or instrument became irrevocable, but 30282
only if at least one of the trust's qualifying beneficiaries is a 30283
resident domiciled in this state for the purposes of this chapter 30284
during all or some portion of the trust's current taxable year. If 30285
a trust document or instrument became irrevocable upon the death 30286
of a person who at the time of death was domiciled in this state 30287
for purposes of this chapter, that person is a person described in 30288
division (I)(3)(a)(iii) of this section. 30289

(b) A trust is irrevocable to the extent that the transferor 30290
is not considered to be the owner of the net assets of the trust 30291
under sections 671 to 678 of the Internal Revenue Code. 30292

(c) With respect to a trust other than a charitable lead 30293
trust, "qualifying beneficiary" has the same meaning as "potential 30294
current beneficiary" as defined in section 1361(e)(2) of the 30295
Internal Revenue Code, and with respect to a charitable lead trust 30296
"qualifying beneficiary" is any current, future, or contingent 30297
beneficiary, but with respect to any trust "qualifying 30298
beneficiary" excludes a person or a governmental entity or 30299
instrumentality to any of which a contribution would qualify for 30300
the charitable deduction under section 170 of the Internal Revenue 30301
Code. 30302

(d) For the purposes of division (I)(3)(a) of this section, 30303
the extent to which a trust consists directly or indirectly, in 30304

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 30336
that testamentary trust was domiciled in this state at the time of 30337
the testator's death for purposes of the taxes levied under 30338
Chapter 5731. of the Revised Code. 30339

(ii) A trust is described in division (I)(3)(e)(ii) of this 30340
section if the transfer is a qualifying transfer described in any 30341
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 30342
irrevocable inter vivos trust, and at least one of the trust's 30343
qualifying beneficiaries is domiciled in this state for purposes 30344
of this chapter during all or some portion of the trust's current 30345
taxable year. 30346

(f) For the purposes of division (I)(3)(e)(ii) of this 30347
section, a "qualifying transfer" is a transfer of assets, net of 30348
any related liabilities, directly or indirectly to a trust, if the 30349
transfer is described in any of the following: 30350

(i) The transfer is made to a trust, created by the decedent 30351
before the decedent's death and while the decedent was domiciled 30352
in this state for the purposes of this chapter, and, prior to the 30353
death of the decedent, the trust became irrevocable while the 30354
decedent was domiciled in this state for the purposes of this 30355
chapter. 30356

(ii) The transfer is made to a trust to which the decedent, 30357
prior to the decedent's death, had directly or indirectly 30358
transferred assets, net of any related liabilities, while the 30359
decedent was domiciled in this state for the purposes of this 30360
chapter, and prior to the death of the decedent the trust became 30361
irrevocable while the decedent was domiciled in this state for the 30362
purposes of this chapter. 30363

(iii) The transfer is made on account of a contractual 30364
relationship existing directly or indirectly between the 30365
transferor and either the decedent or the estate of the decedent 30366

at any time prior to the date of the decedent's death, and the
decedent was domiciled in this state at the time of death for
purposes of the taxes levied under Chapter 5731. of the Revised
Code.

(iv) The transfer is made to a trust on account of a
contractual relationship existing directly or indirectly between
the transferor and another person who at the time of the
decedent's death was domiciled in this state for purposes of this
chapter.

(v) The transfer is made to a trust on account of the will of
a testator.

(vi) The transfer is made to a trust created by or caused to
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 30397
thereof, upon which the adjusted gross income is calculated 30398
pursuant to this chapter. 30399

(N) "Taxpayer" means any person subject to the tax imposed by 30400
section 5747.02 of the Revised Code or any pass-through entity 30401
that makes the election under division (D) of section 5747.08 of 30402
the Revised Code. 30403

(O) "Dependents" means dependents as defined in the Internal 30404
Revenue Code and as claimed in the taxpayer's federal income tax 30405
return for the taxable year or which the taxpayer would have been 30406
permitted to claim had the taxpayer filed a federal income tax 30407
return. 30408

(P) "Principal county of employment" means, in the case of a 30409
nonresident, the county within the state in which a taxpayer 30410
performs services for an employer or, if those services are 30411
performed in more than one county, the county in which the major 30412
portion of the services are performed. 30413

(Q) As used in sections 5747.50 to 5747.55 of the Revised 30414
Code: 30415

(1) "Subdivision" means any county, municipal corporation, 30416
park district, or township. 30417

(2) "Essential local government purposes" includes all 30418
functions that any subdivision is required by general law to 30419
exercise, including like functions that are exercised under a 30420
charter adopted pursuant to the Ohio Constitution. 30421

(R) "Overpayment" means any amount already paid that exceeds 30422
the figure determined to be the correct amount of the tax. 30423

(S) "Taxable income" or "Ohio taxable income" applies only to 30424
estates and trusts, and means federal taxable income, as defined 30425
and used in the Internal Revenue Code, adjusted as follows: 30426

(1) Add interest or dividends, net of ordinary, necessary, 30427
and reasonable expenses not deducted in computing federal taxable 30428
income, on obligations or securities of any state or of any 30429
political subdivision or authority of any state, other than this 30430
state and its subdivisions and authorities, but only to the extent 30431
that such net amount is not otherwise includible in Ohio taxable 30432
income and is described in either division (S)(1)(a) or (b) of 30433
this section: 30434

(a) The net amount is not attributable to the S portion of an 30435
electing small business trust and has not been distributed to 30436
beneficiaries for the taxable year; 30437

(b) The net amount is attributable to the S portion of an 30438
electing small business trust for the taxable year. 30439

(2) Add interest or dividends, net of ordinary, necessary, 30440
and reasonable expenses not deducted in computing federal taxable 30441
income, on obligations of any authority, commission, 30442
instrumentality, territory, or possession of the United States to 30443
the extent that the interest or dividends are exempt from federal 30444
income taxes but not from state income taxes, but only to the 30445
extent that such net amount is not otherwise includible in Ohio 30446
taxable income and is described in either division (S)(1)(a) or 30447
(b) of this section; 30448

(3) Add the amount of personal exemption allowed to the 30449
estate pursuant to section 642(b) of the Internal Revenue Code; 30450

(4) Deduct interest or dividends, net of related expenses 30451
deducted in computing federal taxable income, on obligations of 30452
the United States and its territories and possessions or of any 30453
authority, commission, or instrumentality of the United States to 30454
the extent that the interest or dividends are exempt from state 30455
taxes under the laws of the United States, but only to the extent 30456
that such amount is included in federal taxable income and is 30457

described in either division (S)(1)(a) or (b) of this section; 30458

(5) Deduct the amount of wages and salaries, if any, not 30459
otherwise allowable as a deduction but that would have been 30460
allowable as a deduction in computing federal taxable income for 30461
the taxable year, had the targeted jobs credit allowed under 30462
sections 38, 51, and 52 of the Internal Revenue Code not been in 30463
effect, but only to the extent such amount relates either to 30464
income included in federal taxable income for the taxable year or 30465
to income of the S portion of an electing small business trust for 30466
the taxable year; 30467

(6) Deduct any interest or interest equivalent, net of 30468
related expenses deducted in computing federal taxable income, on 30469
public obligations and purchase obligations, but only to the 30470
extent that such net amount relates either to income included in 30471
federal taxable income for the taxable year or to income of the S 30472
portion of an electing small business trust for the taxable year; 30473

(7) Add any loss or deduct any gain resulting from sale, 30474
exchange, or other disposition of public obligations to the extent 30475
that such loss has been deducted or such gain has been included in 30476
computing either federal taxable income or income of the S portion 30477
of an electing small business trust for the taxable year; 30478

(8) Except in the case of the final return of an estate, add 30479
any amount deducted by the taxpayer on both its Ohio estate tax 30480
return pursuant to section 5731.14 of the Revised Code, and on its 30481
federal income tax return in determining federal taxable income; 30482

(9)(a) Deduct any amount included in federal taxable income 30483
solely because the amount represents a reimbursement or refund of 30484
expenses that in a previous year the decedent had deducted as an 30485
itemized deduction pursuant to section 63 of the Internal Revenue 30486
Code and applicable treasury regulations. The deduction otherwise 30487
allowed under division (S)(9)(a) of this section shall be reduced 30488

to the extent the reimbursement is attributable to an amount the 30489
taxpayer or decedent deducted under this section in any taxable 30490
year. 30491

(b) Add any amount not otherwise included in Ohio taxable 30492
income for any taxable year to the extent that the amount is 30493
attributable to the recovery during the taxable year of any amount 30494
deducted or excluded in computing federal or Ohio taxable income 30495
in any taxable year, but only to the extent such amount has not 30496
been distributed to beneficiaries for the taxable year. 30497

(10) Deduct any portion of the deduction described in section 30498
1341(a)(2) of the Internal Revenue Code, for repaying previously 30499
reported income received under a claim of right, that meets both 30500
of the following requirements: 30501

(a) It is allowable for repayment of an item that was 30502
included in the taxpayer's taxable income or the decedent's 30503
adjusted gross income for a prior taxable year and did not qualify 30504
for a credit under division (A) or (B) of section 5747.05 of the 30505
Revised Code for that year. 30506

(b) It does not otherwise reduce the taxpayer's taxable 30507
income or the decedent's adjusted gross income for the current or 30508
any other taxable year. 30509

(11) Add any amount claimed as a credit under section 30510
5747.059 of the Revised Code to the extent that the amount 30511
satisfies either of the following: 30512

(a) The amount was deducted or excluded from the computation 30513
of the taxpayer's federal taxable income as required to be 30514
reported for the taxpayer's taxable year under the Internal 30515
Revenue Code; 30516

(b) The amount resulted in a reduction in the taxpayer's 30517
federal taxable income as required to be reported for any of the 30518

taxpayer's taxable years under the Internal Revenue Code. 30519

(12) Deduct any amount, net of related expenses deducted in 30520
computing federal taxable income, that a trust is required to 30521
report as farm income on its federal income tax return, but only 30522
if the assets of the trust include at least ten acres of land 30523
satisfying the definition of "land devoted exclusively to 30524
agricultural use" under section 5713.30 of the Revised Code, 30525
regardless of whether the land is valued for tax purposes as such 30526
land under sections 5713.30 to 5713.38 of the Revised Code. If the 30527
trust is a ~~pass-through~~ pass-through entity investor, section 30528
5747.231 of the Revised Code applies in ascertaining if the trust 30529
is eligible to claim the deduction provided by division (S)(12) of 30530
this section in connection with the pass-through entity's farm 30531
income. 30532

Except for farm income attributable to the S portion of an 30533
electing small business trust, the deduction provided by division 30534
(S)(12) of this section is allowed only to the extent that the 30535
trust has not distributed such farm income. Division (S)(12) of 30536
this section applies only to taxable years of a trust beginning in 30537
2002 or thereafter. 30538

(13) Add the net amount of income described in section 641(c) 30539
of the Internal Revenue Code to the extent that amount is not 30540
included in federal taxable income. 30541

(14) Add or deduct the amount the taxpayer would be required 30542
to add or deduct under division (A)(20) or (21) of this section if 30543
the taxpayer's Ohio taxable income were computed in the same 30544
manner as an individual's Ohio adjusted gross income is computed 30545
under this section. In the case of a trust, division (S)(14) of 30546
this section applies only to any of the trust's taxable years 30547
beginning in 2002 or thereafter. 30548

(T) "School district income" and "school district income tax" 30549

have the same meanings as in section 5748.01 of the Revised Code. 30550

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 30551
of this section, "public obligations," "purchase obligations," and 30552
"interest or interest equivalent" have the same meanings as in 30553
section 5709.76 of the Revised Code. 30554

(V) "Limited liability company" means any limited liability 30555
company formed under Chapter 1705. of the Revised Code or under 30556
the laws of any other state. 30557

(W) "Pass-through entity investor" means any person who, 30558
during any portion of a taxable year of a pass-through entity, is 30559
a partner, member, shareholder, or equity investor in that 30560
pass-through entity. 30561

(X) "Banking day" has the same meaning as in section 1304.01 30562
of the Revised Code. 30563

(Y) "Month" means a calendar month. 30564

(Z) "Quarter" means the first three months, the second three 30565
months, the third three months, or the last three months of the 30566
taxpayer's taxable year. 30567

(AA)(1) "Eligible institution" means a state university or 30568
state institution of higher education as defined in section 30569
3345.011 of the Revised Code, or a private, nonprofit college, 30570
university, or other post-secondary institution located in this 30571
state that possesses a certificate of authorization issued by the 30572
Ohio board of regents pursuant to Chapter 1713. of the Revised 30573
Code or a certificate of registration issued by the state board of 30574
career colleges and schools under Chapter 3332. of the Revised 30575
Code. 30576

(2) "Qualified tuition and fees" means tuition and fees 30577
imposed by an eligible institution as a condition of enrollment or 30578
attendance, not exceeding two thousand five hundred dollars in 30579

each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of 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, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code

are satisfied for the trust's taxable year in which the trust 30610
recognizes the gain or loss. 30611

Any gain or loss that is not a qualifying trust amount is 30612
modified business income, qualifying investment income, or 30613
modified nonbusiness income, as the case may be. 30614

(3) "Modified nonbusiness income" means a trust's Ohio 30615
taxable income other than modified business income, other than the 30616
qualifying trust amount, and other than qualifying investment 30617
income, as defined in section 5747.012 of the Revised Code, to the 30618
extent such qualifying investment income is not otherwise part of 30619
modified business income. 30620

(4) "Modified Ohio taxable income" applies only to trusts, 30621
and means the sum of the amounts described in divisions (BB)(4)(a) 30622
to (c) of this section: 30623

(a) The fraction, calculated under section 5747.013, and 30624
applying section 5747.231 of the Revised Code, multiplied by the 30625
sum of the following amounts: 30626

(i) The trust's modified business income; 30627

(ii) The trust's qualifying investment income, as defined in 30628
section 5747.012 of the Revised Code, but only to the extent the 30629
qualifying investment income does not otherwise constitute 30630
modified business income and does not otherwise constitute a 30631
qualifying trust amount. 30632

(b) The qualifying trust amount multiplied by a fraction, the 30633
numerator of which is the sum of the book value of the qualifying 30634
investee's physical assets in this state on the last day of the 30635
qualifying investee's fiscal or calendar year ending immediately 30636
prior to the day on which the trust recognizes the qualifying 30637
trust amount, and the denominator of which is the sum of the book 30638
value of the qualifying investee's total physical assets 30639

everywhere on the last day of the qualifying investee's fiscal or
calendar year ending immediately prior to the day on which the
trust recognizes the qualifying trust amount. If, for a taxable
year, the trust recognizes a qualifying trust amount with respect
to more than one qualifying investee, the amount described in
division (BB)(4)(b) of this section shall equal the sum of the
products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is
a resident as ascertained in accordance with division (I)(3)(d) of
this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is
not a resident as ascertained in accordance with division
(I)(3)(d) of this section, the amount of its modified nonbusiness
income satisfying the descriptions in divisions (B)(2) to (5) of
section 5747.20 of the Revised Code, except as otherwise provided
in division (BB)(4)(c)(ii) of this section. With respect to a
trust or portion of a trust that is not a resident as ascertained
in accordance with division (I)(3)(d) of this section, the trust's
portion of modified nonbusiness income recognized from the sale,
exchange, or other disposition of a debt interest in or equity
interest in a section 5747.212 entity, as defined in section
5747.212 of the Revised Code, without regard to division (A) of
that section, shall not be allocated to this state in accordance
with section 5747.20 of the Revised Code but shall be apportioned
to this state in accordance with division (B) of section 5747.212
of the Revised Code without regard to division (A) of that
section.

If the allocation and apportionment of a trust's income under
divisions (BB)(4)(a) and (c) of this section do not fairly
represent the modified Ohio taxable income of the trust in this
state, the alternative methods described in division (C) of
section 5747.21 of the Revised Code may be applied in the manner

and to the same extent provided in that section.

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(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

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(i) If the qualifying investee is a member of a qualifying controlled group 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, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

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(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.

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(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.

(DD) "Related member" has the same meaning as in section
5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a
qualifying corporation.

(b) "Qualifying corporation" means any person classified for
federal income tax purposes as an association taxable as a
corporation, except either of the following:

(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;

(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. 30765

(2) For the purposes of this chapter, unless expressly stated 30766
otherwise, no qualifying person indirectly owns any asset directly 30767
or indirectly owned by any qualifying corporation. 30768

(FF) For purposes of this chapter and Chapter 5751. of the 30769
Revised Code: 30770

(1) "Trust" does not include a qualified pre-income tax 30771
trust. 30772

(2) A "qualified pre-income tax trust" is any pre-income tax 30773
trust that makes a qualifying pre-income tax trust election as 30774
described in division (FF)(3) of this section. 30775

(3) A "qualifying pre-income tax trust election" is an 30776
election by a pre-income tax trust to subject to the tax imposed 30777
by section 5751.02 of the Revised Code the pre-income tax trust 30778
and all pass-through entities of which the trust owns or controls, 30779
directly, indirectly, or constructively through related interests, 30780
five per cent or more of the ownership or equity interests. The 30781
trustee shall notify the tax commissioner in writing of the 30782
election on or before April 15, 2006. The election, if timely 30783
made, shall be effective on and after January 1, 2006, and shall 30784
apply for all tax periods and tax years until revoked by the 30785
trustee of the trust. 30786

(4) A "pre-income tax trust" is a trust that satisfies all of 30787
the following requirements: 30788

(a) The document or instrument creating the trust was 30789
executed by the grantor before January 1, 1972; 30790

(b) The trust became irrevocable upon the creation of the 30791
trust; and 30792

(c) The grantor was domiciled in this state at the time the 30793
trust was created. 30794

Sec. 5747.012. This section applies for the purposes of 30795
divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the 30796
Revised Code. 30797

(A) As used in this section: 30798

(1)(a) Except as set forth in division (A)(1)(b) of this 30799
section, "qualifying investment income" means the portion of a 30800
qualifying investment pass-through entity's net income 30801
attributable to transaction fees in connection with the 30802
acquisition, ownership, or disposition of intangible property; 30803
loan fees; financing fees; consent fees; waiver fees; application 30804
fees; net management fees; dividend income; interest income; net 30805
capital gains from the sale or exchange or other disposition of 30806
intangible property; and all types and classifications of income 30807
attributable to distributive shares of income from other 30808
pass-through entities. 30809

(b)(i) Notwithstanding division (A)(1)(a) of this section, 30810
"qualifying investment income" does not include any part of the 30811
qualifying investment pass-through entity's net capital gain 30812
which, after the application of section 5747.231 of the Revised 30813
Code with respect to a trust, would also constitute a qualifying 30814
trust amount. 30815

(ii) Notwithstanding division (A)(1)(a) of this section, 30816
"qualifying investment income" does not include any part of the 30817
qualifying investment pass-through entity's net income 30818
attributable to the portion of a distributive share of income 30819
directly or indirectly from another pass-through entity to the 30820
extent such portion constitutes the other pass-through entity's 30821
net capital gain which, after the application of section 5747.231 30822
of the Revised Code with respect to a trust, would also constitute 30823
a qualifying trust amount. 30824

(2) "Qualifying investment pass-through entity" means an investment pass-through entity, as defined in section 5733.401 of the Revised Code, subject to the following qualifications:

(a) "Forty per cent" shall be substituted for "ninety per cent" wherever "ninety per cent" appears in section 5733.401 of the Revised Code.

(b) The pass-through entity must have been formed or organized as an entity prior to June 5, 2002, and must exist as a pass-through entity for all of the taxable year of the trust.

(c) The qualifying section 5747.012 trust or related persons to the qualifying section 5747.012 trust must directly or indirectly own at least five per cent of the equity of the investment pass-through entity each day of the entity's fiscal or calendar year ending within or with the last day of the qualifying section 5747.012 trust's taxable year;

(d) During the investment pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying section 5747.012 trust's taxable year, the qualifying section 5747.012 trust or related persons of or to the qualifying section 5747.012 trust must, on each day of the investment pass-through entity's year, own directly, or own through equity investments in other pass-through entities, more than sixty per cent of the equity of the investment pass-through entity.

(B) "Qualifying section 5747.012 trust" means a trust satisfying one of the following:

(1) The trust was created prior to, and was irrevocable on, June 5, 2002; or

(2) If the trust was created after June 4, 2002, or if the trust became irrevocable after June 4, 2002, then at least eighty per cent of the assets transferred to the trust must have been

previously owned by related persons to the trust or by a trust
created prior to June 5, 2002, under which the creator did not
retain the power to change beneficiaries, amend the trust, or
revoke the trust. For purposes of division (B)(2) of this section,
the power to substitute property of equal value shall not be
considered to be a power to change beneficiaries, amend the trust,
or revoke the trust.

(C) For the purposes of this section, "related persons" means
the family of a qualifying individual beneficiary, as defined in
division (A)(5) of section 5747.011 of the Revised Code. For the
purposes of this division, "family" has the same meaning as in
division (A)(6) of section 5747.011 of the Revised Code.

(D) For the purposes of applying divisions (A)(2)(c),
(A)(2)(d), and (B)(2) of this section, the related persons or the
qualifying section 5747.012 trust, as the case may be, shall be
deemed to own the equity of the investment pass-through entity
after the application of division (B) of section 5747.011 of the
Revised Code.

(E) "Irrevocable" has the same meaning as in division
(I)(3)(b) of section 5747.01 of the Revised Code.

(F) Nothing in this section requires any item of income,
gain, or loss not satisfying the definition of qualifying
investment income to be treated as modified nonbusiness income.
Any item of income, gain, or loss that is not qualifying
investment income is modified business income, modified
nonbusiness income, or a qualifying trust amount, as the case may
be.

Sec. 5747.05. As used in this section, "income tax" includes
both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the income tax

imposed by section 5747.02 of the Revised Code on individuals and estates: 30885
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(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the adjusted gross income of any nonresident taxpayer that is not allocable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code; 30887
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(2) The credit provided under this division shall not exceed the portion of the total tax due under section 5747.02 of the Revised Code that the amount of the nonresident taxpayer's adjusted gross income not allocated to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code bears to the total adjusted gross income of the nonresident taxpayer derived from all sources everywhere. 30891
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(3) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an income tax to provide that compensation paid in this state to a nonresident taxpayer shall not be subject to the tax levied in section 5747.02 of the Revised Code so long as compensation paid in such other state or in the District of Columbia to a resident taxpayer shall likewise not be subject to the income tax of such other state or of the District of Columbia. 30898
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(B) The lesser of division (B)(1) or (2) of this section: 30906

(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the adjusted gross income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(1) of this section shall not exceed the portion of the total tax due under section 5747.02 of the Revised Code that the amount of the resident taxpayer's adjusted gross income subjected to an income tax in the other state or in the District of Columbia bears to the total adjusted gross income of the 30907
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resident taxpayer derived from all sources everywhere. 30916

(2) The amount of income tax liability to another state or 30917
the District of Columbia on the portion of the adjusted gross 30918
income of a resident taxpayer that in another state or in the 30919
District of Columbia is subjected to an income tax. The credit 30920
provided under division (B)(2) of this section shall not exceed 30921
the amount of tax otherwise due under section 5747.02 of the 30922
Revised Code. 30923

(3) If the credit provided under division (B) of this section 30924
is affected by a change in either the portion of adjusted gross 30925
income of a resident taxpayer subjected to an income tax in 30926
another state or the District of Columbia or the amount of income 30927
tax liability that has been paid to another state or the District 30928
of Columbia, the taxpayer shall report the change to the tax 30929
commissioner within sixty days of the change in such form as the 30930
commissioner requires. 30931

(a) In the case of an underpayment, the report shall be 30932
accompanied by payment of any additional tax due as a result of 30933
the reduction in credit together with interest on the additional 30934
tax and is a return subject to assessment under section 5747.13 of 30935
the Revised Code solely for the purpose of assessing any 30936
additional tax due under this division, together with any 30937
applicable penalty and interest. It shall not reopen the 30938
computation of the taxpayer's tax liability under this chapter 30939
from a previously filed return no longer subject to assessment 30940
except to the extent that such liability is affected by an 30941
adjustment to the credit allowed by division (B) of this section. 30942

(b) In the case of an overpayment, an application for refund 30943
may be filed under this division within the sixty day period 30944
prescribed for filing the report even if it is beyond the period 30945
prescribed in section 5747.11 of the Revised Code if it otherwise 30946

conforms to the requirements of such section. An application filed 30947
under this division shall only claim refund of overpayments 30948
resulting from an adjustment to the credit allowed by division (B) 30949
of this section unless it is also filed within the time prescribed 30950
in section 5747.11 of the Revised Code. It shall not reopen the 30951
computation of the taxpayer's tax liability except to the extent 30952
that such liability is affected by an adjustment to the credit 30953
allowed by division (B) of this section. 30954

(4) No credit shall be allowed under division (B) of this 30955
section ~~to the extent that for any taxable year for income tax~~ 30956
~~paid or accrued to another state or to the District of Columbia if~~ 30957
the taxpayer, when computing federal adjusted gross income, has 30958
directly or indirectly deducted, or was required to directly or 30959
indirectly deduct, the amount of that income tax liability ~~to~~ 30960
~~another state or the District of Columbia in computing federal~~ 30961
~~adjusted gross income.~~ 30962

(C) For a taxpayer sixty-five years of age or older during 30963
the taxable year, a credit for such year equal to fifty dollars 30964
for each return required to be filed under section 5747.08 of the 30965
Revised Code. 30966

(D) A taxpayer sixty-five years of age or older during the 30967
taxable year who has received a lump-sum distribution from a 30968
pension, retirement, or profit-sharing plan in the taxable year 30969
may elect to receive a credit under this division in lieu of the 30970
credit to which the taxpayer is entitled under division (C) of 30971
this section. A taxpayer making such election shall receive a 30972
credit for the taxable year equal to fifty dollars times the 30973
taxpayer's expected remaining life as shown by annuity tables 30974
issued under the provisions of the Internal Revenue Code and in 30975
effect for the calendar year which includes the last day of the 30976
taxable year. A taxpayer making an election under this division is 30977
not entitled to the credit authorized under division (C) of this 30978

section in subsequent taxable years except that if such election
was made prior to July 1, 1983, the taxpayer is entitled to
one-half the credit authorized under such division in subsequent
taxable years but may not make another election under this
division.

(E) A taxpayer who is not sixty-five years of age or older
during the taxable year who has received a lump-sum distribution
from a pension, retirement, or profit-sharing plan in a taxable
year ending on or before July 31, 1991, may elect to take a credit
against the tax otherwise due under this chapter for such year
equal to fifty dollars times the expected remaining life of a
taxpayer sixty-five years of age as shown by annuity tables issued
under the provisions of the Internal Revenue Code and in effect
for the calendar year which includes the last day of the taxable
year. A taxpayer making an election under this division is not
entitled to a credit under division (C) or (D) of this section in
any subsequent year except that if such election was made prior to
July 1, 1983, the taxpayer is entitled to one-half the credit
authorized under division (C) of this section in subsequent years
but may not make another election under this division. No taxpayer
may make an election under this division for a taxable year ending
on or after August 1, 1991.

(F) A taxpayer making an election under either division (D)
or (E) of this section may make only one such election in the
taxpayer's lifetime.

(G)(1) On a joint return filed by a husband and wife, each of
whom had adjusted gross income of at least five hundred dollars,
exclusive of interest, dividends and distributions, royalties,
rent, and capital gains, a credit equal to the percentage shown in
the table contained in this division of the amount of tax due
after allowing for any other credit that precedes the credit under
this division in the order required under section 5747.98 of the

Revised Code.	31011
(2) The credit to which a taxpayer is entitled under this	31012
division in any taxable year is the percentage shown in column B	31013
that corresponds with the taxpayer's adjusted gross income, less	31014
exemptions for the taxable year:	31015
A.	31016
B.	31016
IF THE ADJUSTED GROSS INCOME,	31017
LESS EXEMPTIONS, FOR THE TAX YEAR	31017
IS:	
\$25,000 or less	20% 31018
More than \$25,000 but not more	15% 31019
than \$50,000	
More than \$50,000 but not more	10% 31020
than \$75,000	
More than \$75,000	5% 31021
(3) The credit allowed under this division shall not exceed	31022
six hundred fifty dollars in any taxable year.	31023
(H) No claim for credit under this section shall be allowed	31024
unless the claimant furnishes such supporting information as the	31025
tax commissioner prescribes by rules. Each credit under this	31026
section shall be claimed in the order required under section	31027
5747.98 of the Revised Code.	31028
(I) An individual who is a resident for part of a taxable	31029
year and a nonresident for the remainder of the taxable year is	31030
allowed the credits under divisions (A) and (B) of this section in	31031
accordance with rules prescribed by the tax commissioner. In no	31032
event shall the same income be subject to both credits.	31033
(J) The credit allowed under division (A) of this section	31034
shall be calculated based upon the amount of tax due under section	31035
5747.02 of the Revised Code after subtracting any other credits	31036
that precede the credit under that division in the order required	31037

under section 5747.98 of the Revised Code. The credit allowed 31038
under division (B) of this section shall be calculated based upon 31039
the amount of tax due under section 5747.02 of the Revised Code 31040
after subtracting any other credits that precede the credit under 31041
that division in the order required under section 5747.98 of the 31042
Revised Code. 31043

(K) No credit shall be allowed under division (B) of this 31044
section unless the taxpayer furnishes such proof as the tax 31045
commissioner shall require that the income tax liability has been 31046
paid to another state or the District of Columbia. 31047

(L) No credit shall be allowed under division (B) of this 31048
section for compensation that is not subject to the income tax of 31049
another state or the District of Columbia as the result of an 31050
agreement entered into by the tax commissioner under division 31051
(A)(3) of this section. 31052

Sec. 5747.056. For taxable years beginning in 2005 or 31053
thereafter, a credit shall be allowed per return against the tax 31054
imposed by section 5747.02 of the Revised Code for ~~an individual~~ 31055
~~whose~~ a return not filed by an estate or trust that indicates Ohio 31056
adjusted gross income less exemptions ~~is~~ of ten thousand dollars 31057
or less. For taxable years beginning in 2005, the credit shall 31058
equal one hundred seven dollars. For taxable years beginning in 31059
2006, the credit shall equal one hundred two dollars. For taxable 31060
years beginning in 2007, the credit shall equal ninety-eight 31061
dollars. For taxable years beginning in 2008, the credit shall 31062
equal ninety-three dollars. For taxable years beginning in 2009 or 31063
thereafter, the credit shall equal eighty-eight dollars. The 31064
credit shall be claimed in the order required under section 31065
5747.98 of the Revised Code. 31066

Sec. 5747.11. (A) The tax commissioner shall refund to 31067

employers, qualifying entities, or taxpayers, with respect to any 31068
tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 31069
5748. of the Revised Code: 31070

(1) Overpayments of more than one dollar; 31071

(2) Amounts in excess of one dollar paid illegally or 31072
erroneously; 31073

(3) Amounts in excess of one dollar paid on an illegal, 31074
erroneous, or excessive assessment. 31075

(B) Except as otherwise provided under divisions (D) and (E) 31076
of this section, applications for refund shall be filed with the 31077
tax commissioner, on the form prescribed by the commissioner, 31078
within four years from the date of the illegal, erroneous, or 31079
excessive payment of the tax, or within any additional period 31080
allowed by division (B)(3)(b) of section 5747.05, division (B) of 31081
section 5747.10, division (A) of section 5747.13, or division (C) 31082
of section 5747.45 of the Revised Code. 31083

On filing of the refund application, the commissioner shall 31084
determine the amount of refund due and certify such amount to the 31085
director of budget and management and treasurer of state for 31086
payment from the tax refund fund created by section 5703.052 of 31087
the Revised Code. Payment shall be made as provided in division 31088
(C) of section ~~117.45~~ 126.35 of the Revised Code. 31089

(C)(1) Interest shall be allowed and paid upon any illegal or 31090
erroneous assessment in excess of one dollar in respect of the tax 31091
imposed under section 5747.02 or Chapter 5748. of the Revised Code 31092
at the rate per annum prescribed by section 5703.47 of the Revised 31093
Code from the date of the payment of the illegal or erroneous 31094
assessment until the date the refund of such amount is paid. If 31095
such refund results from the filing of a return or report, or the 31096
payment accompanying such return or report, by an employer or 31097
taxpayer, rather than from an assessment by the commissioner, such 31098

interest shall run from a period ninety days after the final
filing date of the annual return until the date the refund is
paid.

(2) Interest shall be allowed and paid at the rate per annum
prescribed by section 5703.47 of the Revised Code upon any
overpayment in excess of one dollar in respect of the tax imposed
under section 5747.02 or Chapter 5748. of the Revised Code from
the date of the overpayment until the date of the refund of the
overpayment, except that if any overpayment is refunded within
ninety days after the final filing date of the annual return or
ninety days after the return is filed, whichever is later, no
interest shall be allowed on such overpayment. If the overpayment
results from the carryback of a net operating loss or net capital
loss to a previous taxable year, the overpayment is deemed not to
have been made prior to the filing date, including any extension
thereof, for the taxable year in which the net operating loss or
net capital loss arises. For purposes of the payment of interest
on overpayments, no amount of tax, for any taxable year, shall be
treated as having been paid before the date on which the tax
return for that year was due without regard to any extension of
time for filing such return.

(3) Interest shall be allowed at the rate per annum
prescribed by section 5703.47 of the Revised Code on amounts
refunded with respect to the taxes imposed under sections 5733.41
and 5747.41 of the Revised Code. The interest shall run from
whichever of the following days is the latest until the day the
refund is paid: the day the illegal, erroneous, or excessive
payment was made; the ninetieth day after the final day the annual
report was required to be filed under section 5747.42 of the
Revised Code; or the ninetieth day after the day that report was
filed.

(D) "Ninety days" shall be substituted for "four years" in

division (B) of this section if the taxpayer satisfies both of the 31131
following conditions: 31132

(1) The taxpayer has applied for a refund based in whole or 31133
in part upon section 5747.059 of the Revised Code; 31134

(2) The taxpayer asserts that either the imposition or 31135
collection of the tax imposed or charged by this chapter or any 31136
portion of such tax violates the Constitution of the United States 31137
or the Constitution of Ohio. 31138

(E)(1) Division (E)(2) of this section applies only if all of 31139
the following conditions are satisfied: 31140

(a) A qualifying entity pays an amount of the tax imposed by 31141
section 5733.41 or 5747.41 of the Revised Code; 31142

(b) The taxpayer is a qualifying investor as to that 31143
qualifying entity; 31144

(c) The taxpayer did not claim the credit provided for in 31145
section 5747.059 of the Revised Code as to the tax described in 31146
division (E)(1)(a) of this section; 31147

(d) The four-year period described in division (B) of this 31148
section has ended as to the taxable year for which the taxpayer 31149
otherwise would have claimed that credit. 31150

(2) A taxpayer shall file an application for refund pursuant 31151
to division (E) of this section within one year after the date the 31152
payment described in division (E)(1)(a) of this section is made. 31153
An application filed under division (E)(2) of this section shall 31154
claim refund only of overpayments resulting from the taxpayer's 31155
failure to claim the credit described in division (E)(1)(c) of 31156
this section. Nothing in division (E) of this section shall be 31157
construed to relieve a taxpayer from complying with division 31158
(A)(16) of section 5747.01 of the Revised Code. 31159

Sec. 5747.331. (A) As used in this section: 31160

(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 tax imposed by section 5747.02 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 the same meaning as in division (D) of section 166.21 of the Revised Code.

(B) Beginning with taxable year 2003 and ending with taxable years beginning in 2007, a nonrefundable credit is allowed against the tax imposed by section 5747.02 of the Revised Code equal to a borrower's qualified research and development loan payments made during the calendar year that includes the last day of the taxable year for which the credit is claimed. The amount of the credit for a taxable year shall not exceed one hundred fifty thousand dollars. No taxpayer is entitled to claim a credit under this section unless it has obtained a certificate issued by the director of development under division (D) of section 166.21 of the Revised Code and submits a copy of the certificate with its report for the taxable year. Failure to submit a copy of the certificate with the report does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate within sixty days after the tax commissioner requests it. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. The credit, to the extent it exceeds the taxpayer's tax liability for the taxable year after allowance for any other credits that precede the credit under this section in that order, shall be carried forward to the next succeeding taxable year or years until fully used. Any credit not fully utilized by the taxable year beginning in 2007 may be carried forward and applied against the tax levied by Chapter 5751. of the

Revised Code to the extent allowed by section 5751.52 of the Revised Code. 31193
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(C) A borrower entitled to a credit under this section may assign the credit, or a portion thereof, to any of the following: 31195
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(1) A related member of that borrower; 31197

(2) The owner or lessee of the eligible research and development project; 31198
31199

(3) A related member of the owner or lessee of the eligible research and development project. 31200
31201

A borrower making an assignment under this division shall provide written notice of the assignment to the tax commissioner and the director of development, in such form as the tax commissioner prescribes, before the credit that was assigned is 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. 31202
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(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. 31209
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(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. 31215
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Sec. 5748.01. As used in this chapter: 31222

(A) "School district income tax" means an income tax adopted	31223
under one of the following:	31224
(1) Former section 5748.03 of the Revised Code as it existed	31225
prior to its repeal by Amended Substitute House Bill No. 291 of	31226
the 115th general assembly;	31227
(2) Section 5748.03 of the Revised Code as enacted in	31228
Substitute Senate Bill No. 28 of the 118th general assembly;	31229
(3) Section 5748.08 of the Revised Code as enacted in Amended	31230
Substitute Senate Bill No. 17 of the 122nd general assembly.	31231
(B) "Individual" means an individual subject to the tax	31232
levied by section 5747.02 of the Revised Code.	31233
(C) "Estate" means an estate subject to the tax levied by	31234
section 5747.02 of the Revised Code.	31235
(D) "Taxable year" means a taxable year as defined in	31236
division (M) of section 5747.01 of the Revised Code.	31237
(E) "Taxable income" means:	31238
(1) In the case of an individual, one of the following, as	31239
specified in the resolution imposing the tax:	31240
(a) Ohio adjusted gross income for the taxable year as	31241
defined in division (A) of section 5747.01 of the Revised Code,	31242
less the exemptions provided by section 5747.02 of the Revised	31243
Code, <u>and less military pay and allowances the deduction of which</u>	31244
<u>has been authorized pursuant to section 5748.011 of the Revised</u>	31245
<u>Code;</u>	31246
(b) Wages, salaries, tips, and other employee compensation to	31247
the extent included in Ohio adjusted gross income as defined in	31248
section 5747.01 of the Revised Code, <u>less military pay and</u>	31249
<u>allowances the deduction of which has been authorized pursuant to</u>	31250
<u>section 5748.011 of the Revised Code,</u> and net earnings from	31251
self-employment, as defined in section 1402(a) of the Internal	31252

Revenue Code, to the extent included in Ohio adjusted gross	31253
income.	31254
(2) In the case of an estate, taxable income for the taxable	31255
year as defined in division (S) of section 5747.01 of the Revised	31256
Code.	31257
(F) Except as provided in section 5747.25 of the Revised	31258
Code, "resident" of the school district means:	31259
(1) An individual who is a resident of this state as defined	31260
in division (I) of section 5747.01 of the Revised Code during all	31261
or a portion of the taxable year and who, during all or a portion	31262
of such period of state residency, is domiciled in the school	31263
district or lives in and maintains a permanent place of abode in	31264
the school district;	31265
(2) An estate of a decedent who, at the time of death, was	31266
domiciled in the school district.	31267
(G) "School district income" means:	31268
(1) With respect to an individual, the portion of the taxable	31269
income of an individual that is received by the individual during	31270
the portion of the taxable year that the individual is a resident	31271
of the school district and the school district income tax is in	31272
effect in that school district. An individual may have school	31273
district income with respect to more than one school district.	31274
(2) With respect to an estate, the taxable income of the	31275
estate for the portion of the taxable year that the school	31276
district income tax is in effect in that school district.	31277
(H) "Taxpayer" means an individual or estate having school	31278
district income upon which a school district income tax is	31279
imposed.	31280
(I) "School district purposes" means any of the purposes for	31281
which a tax may be levied pursuant to section 5705.21 of the	31282

Revised Code.

31283

Sec. 5748.011. The board of education of a school district 31284
that levies a school district income tax under this chapter may, 31285
by resolution, authorize individuals to deduct, in computing an 31286
individual's taxable income under section 5748.01 of the Revised 31287
Code, military pay and allowances received by the individual 31288
during the taxable year for service in the United States army, air 31289
force, navy, marine corps, or coast guard or reserve components 31290
thereof or the national guard if the military pay and allowances 31291
were received by the individual while the individual was stationed 31292
outside this state. A deduction authorized pursuant to this 31293
section may be claimed only to the extent the military pay and 31294
allowances are included in an individual's federal adjusted gross 31295
income, as defined and used in the Internal Revenue Code, and are 31296
not otherwise allowable as a deduction or exclusion in computing 31297
the individual's federal or Ohio adjusted gross income for the 31298
taxable year as defined in section 5747.01 of the Revised Code. A 31299
copy of the resolution shall be provided to the tax commissioner 31300
upon its adoption. A resolution authorizing the deduction shall 31301
specify the taxable year with respect to which the deduction first 31302
applies, provided that the deduction cannot apply with respect to 31303
any taxable year that commences sooner than seventy-five days 31304
after the date on which the tax commissioner receives the 31305
resolution. 31306

Sec. 5748.02. (A) The board of education of any school 31307
district, except a joint vocational school district, may declare, 31308
by resolution, the necessity of raising annually a specified 31309
amount of money for school district purposes. The resolution shall 31310
specify whether the income that is to be subject to the tax is 31311
taxable income of individuals and estates as defined in divisions 31312
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 31313

taxable income of individuals as defined in division (E)(1)(b) of 31314
that section. A copy of the resolution shall be certified to the 31315
tax commissioner no later than eighty-five days prior to the date 31316
of the election at which the board intends to propose a levy under 31317
this section. Upon receipt of the copy of the resolution, the tax 31318
commissioner shall estimate both of the following: 31319

(1) The property tax rate that would have to be imposed in 31320
the current year by the district to produce an equivalent amount 31321
of money; 31322

(2) The income tax rate that would have had to have been in 31323
effect for the current year to produce an equivalent amount of 31324
money from a school district income tax. 31325

Within ten days of receiving the copy of the board's 31326
resolution, the commissioner shall prepare these estimates and 31327
certify them to the board. Upon receipt of the certification, the 31328
board may adopt a resolution proposing an income tax under 31329
division (B) of this section at the estimated rate contained in 31330
the certification rounded to the nearest one-fourth of one per 31331
cent. The commissioner's certification applies only to the board's 31332
proposal to levy an income tax at the election for which the board 31333
requested the certification. If the board intends to submit a 31334
proposal to levy an income tax at any other election, it shall 31335
request another certification for that election in the manner 31336
prescribed in this division. 31337

(B)(1) Upon the receipt of a certification from the tax 31338
commissioner under division (A) of this section, a majority of the 31339
members of a board of education may adopt a resolution proposing 31340
the levy of an annual tax for school district purposes on school 31341
district income. The proposed levy may be for a continuing period 31342
of time or for a specified number of years. The resolution shall 31343
set forth the purpose for which the tax is to be imposed, the rate 31344
of the tax, which shall be the rate set forth in the 31345

commissioner's certification rounded to the nearest one-fourth of 31346
one per cent, the number of years the tax will be levied or that 31347
it will be levied for a continuing period of time, the date on 31348
which the tax shall take effect, which shall be the first day of 31349
January of any year following the year in which the question is 31350
submitted, and the date of the election at which the proposal 31351
shall be submitted to the electors of the district, which shall be 31352
on the date of a primary, general, or special election the date of 31353
which is consistent with section 3501.01 of the Revised Code. The 31354
resolution shall specify whether the income that is to be subject 31355
to the tax is taxable income of individuals and estates as defined 31356
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 31357
Code or taxable income of individuals as defined in division 31358
(E)(1)(b) of that section. The specification shall be the same as 31359
the specification in the resolution adopted and certified under 31360
division (A) of this section. If the board of education currently 31361
imposes an income tax pursuant to this chapter that is due to 31362
expire and a question is submitted under this section for a 31363
proposed income tax to take effect upon the expiration of the 31364
existing tax, the board may specify in the resolution that the 31365
proposed tax renews the expiring tax and is not an additional 31366
income tax, provided that the tax rate being proposed is no higher 31367
than the tax rate that is currently imposed. 31368

(2) A board of education adopting a resolution under division 31369
(B)(1) of this section proposing a school district income tax for 31370
a continuing period of time and limited to the purpose of current 31371
expenses may propose in that resolution to reduce the rate or 31372
rates of one or more of the school district's property taxes 31373
levied for a continuing period of time in excess of the ten-mill 31374
limitation for the purpose of current expenses. The reduction in 31375
the rate of a property tax may be any amount, expressed in mills 31376
per one dollar in valuation, not exceeding the rate at which the 31377

tax is authorized to be levied. The reduction in the rate of a tax 31378
shall first take effect for the tax year that includes the day on 31379
which the school district income tax first takes effect, and shall 31380
continue for each tax year that both the school district income 31381
tax and the property tax levy are in effect. 31382

In addition to the matters required to be set forth in the 31383
resolution under division (B)(1) of this section, a resolution 31384
containing a proposal to reduce the rate of one or more property 31385
taxes shall state for each such tax the maximum rate at which it 31386
currently may be levied and the maximum rate at which the tax 31387
could be levied after the proposed reduction, expressed in mills 31388
per one dollar in valuation, and that the tax is levied for a 31389
continuing period of time. 31390

If a board of education proposes to reduce the rate of one or 31391
more property taxes under division (B)(2) of this section, the 31392
board, when it makes the certification required under division (A) 31393
of this section, shall designate the specific levy or levies to be 31394
reduced, the maximum rate at which each levy currently is 31395
authorized to be levied, and the rate by which each levy is 31396
proposed to be reduced. The tax commissioner, when making the 31397
certification to the board under division (A) of this section, 31398
also shall certify the reduction in the total effective tax rate 31399
for current expenses for each class of property that would have 31400
resulted if the proposed reduction in the rate or rates had been 31401
in effect the previous tax year. As used in this paragraph, 31402
"effective tax rate" has the same meaning as in section 323.08 of 31403
the Revised Code. 31404

(C) A resolution adopted under division (B) of this section 31405
shall go into immediate effect upon its passage, and no 31406
publication of the resolution shall be necessary other than that 31407
provided for in the notice of election. Immediately after its 31408
adoption and at least seventy-five days prior to the election at 31409

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
shall be held on the date of the general election.

(E)(1) No board of education may submit to the electors of
the district the question of a tax on school district income on
the taxable income of individuals as defined in division (E)(1)(b)
of section 5748.01 of the Revised Code if that tax would be in
addition to an existing tax on the taxable income of individuals
and estates as defined in divisions (E)(1)(a) and (2) of that
section.

(2) No board of education may submit to the electors of the
district the question of a tax on school district income on the
taxable income of individuals and estates as defined in divisions
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that
tax would be in addition to an existing tax on the taxable income
of individuals as defined in division (E)(1)(b) of that section.

Sec. 5751.01. As used in this chapter:	31441
(A) "Person" means, but is not limited to, individuals,	31442
combinations of individuals of any form, receivers, assignees,	31443
trustees in bankruptcy, firms, companies, joint-stock companies,	31444
business trusts, estates, partnerships, limited liability	31445
partnerships, limited liability companies, associations, joint	31446
ventures, clubs, societies, for-profit corporations, S	31447
corporations, qualified subchapter S subsidiaries, qualified	31448
subchapter S trusts, trusts, entities that are disregarded for	31449
federal income tax purposes, and any other entities. "Person" does	31450
not include nonprofit organizations or the state, its agencies,	31451
its instrumentalities, and its political subdivisions.	31452
(B) "Consolidated elected taxpayer" means a group of two or	31453
more persons treated as a single taxpayer for purposes of this	31454
chapter as the result of an election made under section 5751.011	31455
of the Revised Code.	31456
(C) "Combined taxpayer" means a group of two or more persons	31457
treated as a single taxpayer for purposes of this chapter under	31458
section 5751.012 of the Revised Code.	31459
(D) "Taxpayer" means any person, or any group of persons in	31460
the case of a consolidated elected taxpayer or combined taxpayer	31461
treated as one taxpayer, required to register or pay tax under	31462
this chapter. "Taxpayer" does not include excluded persons.	31463
(E) "Excluded person" means any of the following:	31464
(1) Any person with not more than one hundred fifty thousand	31465
dollars of taxable gross receipts during the calendar year.	31466
Division (E)(1) of this section does not apply to a person that is	31467
a member of a group that is a consolidated elected taxpayer or a	31468
combined taxpayer;	31469
(2) A public utility that paid the excise tax imposed by	31470

section 5727.24 or 5727.30 of the Revised Code based on one or
more measurement periods that include the entire tax period under
this chapter, except that a public utility that is a combined
company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public
utility activity, but not directly attributed to an activity that
is subject to the excise tax imposed by section 5727.24 or 5727.30
of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed
to any activity, multiplied by a fraction whose numerator is the
taxable gross receipts described in division (E)(2)(a) of this
section and whose denominator is the total taxable gross receipts
that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an
accrual basis method of accounting for purposes of determining
gross receipts under this chapter and the use of the cash basis
method of accounting for purposes of determining gross receipts
under section 5727.24 of the Revised Code, the gross receipts
directly attributed to the activity of a natural gas company shall
be determined in a manner consistent with division (D) of section
5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined
company" and "public utility" have the same meanings as in section
5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5725.01 of
the Revised Code, that paid the corporation franchise tax charged
by division (D) of section 5733.06 of the Revised Code based on
one or more taxable years that include the entire tax period under
this chapter;

(4) A dealer in intangibles, as defined in section 5725.01 of
the Revised Code, that paid the dealer in intangibles tax levied

by division (D) of section 5707.03 of the Revised Code based on 31502
one or more measurement periods that include the entire tax period 31503
under this chapter; 31504

(5) A financial holding company as defined in the "Bank 31505
Holding Company Act," 12 U.S.C. 1841(p); 31506

(6) A bank holding company as defined in the "Bank Holding 31507
Company Act," 12 U.S.C. 1841(a); 31508

(7) A savings and loan holding company as defined in the 31509
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 31510
only in activities or investments permissible for a financial 31511
holding company under 12 U.S.C. 1843(k); 31512

(8) A person directly or indirectly owned by one or more 31513
financial institutions, financial holding companies, bank holding 31514
companies, or savings and loan holding companies described in 31515
division (E)(3), (5), (6), or (7) of this section that is engaged 31516
in activities permissible for a financial holding company under 12 31517
U.S.C. 1843(k), except that any such person held pursuant to 31518
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 31519
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 31520
directly or indirectly owned by one or more insurance companies 31521
described in division (E)(9) of this section that is authorized to 31522
do the business of insurance in this state. 31523

For the purposes of division (E)(8) of this section, a person 31524
owns another person under the following circumstances: 31525

(a) In the case of corporations issuing capital stock, one 31526
corporation owns another corporation if it owns fifty per cent or 31527
more of the other corporation's capital stock with current voting 31528
rights; 31529

(b) In the case of a limited liability company, one person 31530
owns the company if that person's membership interest, as defined 31531

in section 1705.01 of the Revised Code, is fifty per cent or more 31532
of the combined membership interests of all persons owning such 31533
interests in the company; 31534

(c) In the case of a partnership, trust, or other 31535
unincorporated business organization other than a limited 31536
liability company, one person owns the organization if, under the 31537
articles of organization or other instrument governing the affairs 31538
of the organization, that person has a beneficial interest in the 31539
organization's profits, surpluses, losses, or distributions of 31540
fifty per cent or more of the combined beneficial interests of all 31541
persons having such an interest in the organization; 31542

(d) In the case of multiple ownership, the ownership 31543
interests of more than one person may be aggregated to meet the 31544
fifty per cent ownership tests in this division only when each 31545
such owner is described in division (E)(3), (5), (6), or (7) of 31546
this section and is engaged in activities permissible for a 31547
financial holding company under 12 U.S.C. 1843(k) or is a person 31548
directly or indirectly owned by one or more insurance companies 31549
described in division (E)(9) of this section that is authorized to 31550
do the business of insurance in this state; 31551

(9) A domestic insurance company or foreign insurance 31552
company, as defined in section 5725.01 of the Revised Code, that 31553
paid the insurance company premiums tax imposed by section 5725.18 31554
or Chapter 5729. of the Revised Code based on one or more 31555
measurement periods that include the entire tax period under this 31556
chapter; 31557

(10) A person that solely facilitates or services one or more 31558
securitizations or similar transactions for any person described 31559
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 31560
For purposes of this division, "securitization" means transferring 31561
one or more assets to one or more persons and then issuing 31562

securities backed by the right to receive payment from the asset 31563
or assets so transferred. 31564

(11) Except as otherwise provided in this division, a 31565
pre-income tax trust as defined in division (FF)(4) of section 31566
5747.01 of the Revised Code and any pass-through entity of which 31567
such pre-income tax trust owns or controls, directly, indirectly, 31568
or constructively through related interests, more than five per 31569
cent of the ownership or equity interests. If the pre-income tax 31570
trust has made a qualifying pre-income tax trust election under 31571
division (FF)(3) of section 5747.01 of the Revised Code, then the 31572
trust and the pass-through entities of which it owns or controls, 31573
directly, indirectly, or constructively through related interests, 31574
more than five per cent of the ownership or equity interests, 31575
shall not be excluded persons for purposes of the tax imposed 31576
under section 5751.02 of the Revised Code. 31577

(F) Except as otherwise provided in divisions (F)(2), (3), 31578
and (4), and (5) of this section, "gross receipts" means the total 31579
amount realized by a person, without deduction for the cost of 31580
goods sold or other expenses incurred, that contributes to the 31581
production of gross income of the person, including the fair 31582
market value of any property and any services received, and any 31583
debt transferred or forgiven as consideration. 31584

(1) The following are examples of gross receipts: 31585

(a) Amounts realized from the sale, exchange, or other 31586
disposition of the taxpayer's property to or with another; 31587

(b) Amounts realized from the taxpayer's performance of 31588
services for another; 31589

(c) Amounts realized from another's use or possession of the 31590
taxpayer's property or capital; 31591

(d) Any combination of the foregoing amounts. 31592

(2) "Gross receipts" excludes the following amounts:	31593
(a) Interest income except interest on credit sales;	31594
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	31595 31596 31597 31598
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset;	31599 31600 31601 31602
(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;	31603 31604 31605
(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	31606 31607 31608
(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;	31609 31610 31611 31612
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;	31613 31614 31615 31616 31617 31618 31619 31620 31621
(h) Proceeds received from the issuance of the taxpayer's own	31622

stock, options, warrants, puts, or calls, or from the sale of the	31623
taxpayer's treasury stock;	31624
(i) Proceeds received on the account of payments from life	31625
insurance policies;	31626
(j) Gifts or charitable contributions received, membership	31627
dues received, and payments received for educational courses,	31628
meetings, meals, or similar payments to a trade, professional, or	31629
other similar association; fundraising receipts received by any	31630
person when any excess receipts are donated or used exclusively	31631
for charitable purposes; and proceeds received by a nonprofit	31632
organization including proceeds realized with regard to its	31633
unrelated business taxable income;	31634
(k) Damages received as the result of litigation in excess of	31635
amounts that, if received without litigation, would be gross	31636
receipts;	31637
(l) Property, money, and other amounts received or acquired	31638
by an agent on behalf of another in excess of the agent's	31639
commission, fee, or other remuneration;	31640
(m) Tax refunds <u>and, other tax benefit recoveries, and</u>	31641
<u>reimbursements for the tax imposed under this chapter made by</u>	31642
<u>entities that are part of the same combined taxpayer or</u>	31643
<u>consolidated elected taxpayer group, and reimbursements made by</u>	31644
<u>entities that are not members of a combined taxpayer or</u>	31645
<u>consolidated elected taxpayer group that are required to be made</u>	31646
<u>for economic parity among multiple owners of an entity whose tax</u>	31647
<u>obligation under this chapter is required to be reported and paid</u>	31648
<u>entirely by one owner, pursuant to the requirements of sections</u>	31649
<u>5751.011 and 5751.012 of the Revised Code;</u>	31650
(n) Pension reversions;	31651
(o) Contributions to capital;	31652

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need

to meet a specific customer's preference for a motor vehicle; 31684

(u) Receipts from a financial institution described in 31685
division (E)(3) of this section for services provided to the 31686
financial institution in connection with the issuance, processing, 31687
servicing, and management of loans or credit accounts, if such 31688
financial institution and the recipient of such receipts have at 31689
least fifty per cent of their ownership interests owned or 31690
controlled, directly or constructively through related interests, 31691
by common owners; 31692

(v) Receipts realized from administering anti-neoplastic 31693
drugs and other cancer chemotherapy, biologicals, therapeutic 31694
agents, and supportive drugs in a physician's office to patients 31695
with cancer; 31696

(w) Funds received or used by a mortgage broker that is not a 31697
dealer in intangibles, other than fees or other consideration, 31698
pursuant to a table-funding mortgage loan or warehouse-lending 31699
mortgage loan. Terms used in division (F)(2)~~(x)~~(w) of this section 31700
have the same meanings as in section 1322.01 of the Revised Code, 31701
except "mortgage broker" means a person assisting a buyer in 31702
obtaining a mortgage loan for a fee or other consideration paid by 31703
the buyer or a lender, or a person engaged in table-funding or 31704
warehouse-lending mortgage loans that are first lien mortgage 31705
loans. 31706

(x) Property, money, and other amounts received by a 31707
professional employer organization, as defined in section 4125.01 31708
of the Revised Code, from a client employer, as defined in that 31709
section, in excess of the administrative fee charged by the 31710
professional employer organization to the client employer; 31711

(y) In the case of amounts retained as commissions by a 31712
permit holder under Chapter 3769. of the Revised Code, an amount 31713
equal to the amounts specified under that chapter that must be 31714

paid to or collected by the tax commissioner as a tax and the 31715
amounts specified under that chapter to be used as purse money; 31716

(z) Receipts from the sale of tangible personal property 31717
delivered to a qualified distribution center in this state, 31718
provided the delivered property is not subjected to further 31719
manufacturing or processing while in this state, unless the 31720
property, after delivery to the qualified distribution center, is 31721
received in this state by a purchaser and the receipts from the 31722
sale of the property are sitused to this state under division (E) 31723
of section 5751.033 of the Revised Code. "Manufacturing or 31724
processing" does not include packaging or repackaging the 31725
delivered property for further shipping. For purposes of division 31726
(F)(2)(z) of this section, "qualified distribution center" means a 31727
warehouse or other facility from which more than fifty per cent of 31728
the inventory distributed on an annual basis ultimately is 31729
distributed outside this state by one or more members of a 31730
consolidated elected taxpayer having annual taxable gross receipts 31731
equal to or exceeding one hundred million dollars. Each year, the 31732
tax commissioner shall certify those warehouses and other 31733
facilities that qualify as "qualified distribution centers" for 31734
purposes of division (F)(2)(z) of this section. A person who 31735
operates such a warehouse or other facility shall apply annually 31736
for certification on a form and in the manner prescribed by the 31737
commissioner. A person is not entitled to an exemption under 31738
division (F)(2)(z) of this section unless certification of the 31739
warehouse or other facility has been obtained. The tax 31740
commissioner may adopt rules to administer division (F)(2)(z) of 31741
this section, including procedures for certifying a warehouse or 31742
other facility as a "qualified distribution center." 31743

(aa) Any receipts for which the tax imposed by this chapter 31744
is prohibited by the constitution or laws of the United States or 31745
the constitution of this state. 31746

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's 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, 31778
expenses in attempting to collect any account receivable or for 31779
any portion of the debt recovered, and repossessed property; 31780

(d) Any amount realized from the sale of an account 31781
receivable but only to the extent the receipts from the underlying 31782
transaction giving rise to the account receivable were included in 31783
the gross receipts of the taxpayer. 31784

(G) "Taxable gross receipts" means gross receipts sitused to 31785
this state under section 5751.033 of the Revised Code. 31786

(H) A person has "substantial nexus with this state" if any 31787
of the following applies. The person: 31788

(1) Owns or uses a part or all of its capital in this state; 31789

(2) Holds a certificate of compliance with the laws of this 31790
state authorizing the person to do business in this state; 31791

(3) Has bright-line presence in this state; 31792

(4) Otherwise has nexus with this state to an extent that the 31793
person can be required to remit the tax imposed under this chapter 31794
under the constitution of the United States. 31795

(I) A person has "bright-line presence" in this state for a 31796
reporting period and for the remaining portion of the calendar 31797
year if any of the following applies. The person: 31798

(1) Has at any time during the calendar year property in this 31799
state with an aggregate value of at least fifty thousand dollars. 31800
For the purpose of division (I)(1) of this section, owned property 31801
is valued at original cost and rented property is valued at eight 31802
times the net annual rental charge. 31803

(2) Has during the calendar year payroll in this state of at 31804
least fifty thousand dollars. Payroll in this state includes all 31805
of the following: 31806

(a) Any amount subject to withholding by the person under 31807

section 5747.06 of the Revised Code;	31808
(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	31809 31810 31811
(c) Any amount the person pays for services performed in this state on its behalf by another.	31812 31813
(3) Has during the calendar year taxable gross receipts in this state of at least five hundred thousand dollars.	31814 31815
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total sales <u>gross receipts</u> .	31816 31817 31818
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	31819 31820
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	31821 31822
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	31823 31824 31825 31826 31827 31828 31829 31830
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	31831 31832 31833
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	31834 31835 31836
(N) "Calendar year taxpayer" means a taxpayer for which the	31837

tax period is a calendar year. 31838

(O) "Calendar quarter taxpayer" means a taxpayer for which 31839
the tax period is a calendar quarter. 31840

(P) "Agent" means a person authorized by another person to 31841
act on its behalf to undertake a transaction for the other, 31842
including any of the following: 31843

(1) A person receiving a fee to sell financial instruments; 31844

(2) A person retaining only a commission from a transaction 31845
with the other proceeds from the transaction being remitted to 31846
another person; 31847

(3) A person issuing licenses and permits under section 31848
1533.13 of the Revised Code; 31849

(4) A lottery sales agent holding a valid license issued 31850
under section 3770.05 of the Revised Code; 31851

(5) A person acting as an agent of the division of liquor 31852
control under section 4301.17 of the Revised Code. 31853

(Q) "Received" includes amounts accrued under the accrual 31854
method of accounting. 31855

Sec. 5751.011. (A) A group of two or more persons may elect 31856
to be a consolidated elected taxpayer for the purposes of this 31857
chapter if the group satisfies all of the following requirements: 31858

(1) The group elects to include all persons, including 31859
persons enumerated in divisions (E)(2) to (10) of section 5751.01 31860
of the Revised Code, having at least eighty per cent, or having at 31861
least fifty per cent, of the value of their ownership interests 31862
owned or controlled, directly or constructively through related 31863
interests, by common owners during all or any portion of the tax 31864
period, together with the common owners. At the election of the 31865
group, all ~~foreign corporations meeting~~ entities that are not 31866

incorporated or formed under the laws of a state or of the United States and that meet 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~~ before the due date of the return in which the election is to become effective. 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 person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups. Division (A)(3) of this section applies with respect to the elections described in this division.

(2) The group ~~applies to the tax commissioner for approval~~ makes the election to be treated as a consolidated elected taxpayer ~~pursuant to~~ in the manner prescribed under division (D) of this section.

(3) ~~The~~ Subject to review and audit by the tax commissioner, ~~the~~ group agrees that ~~if the commissioner approves the election,~~ all of the following apply:

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so

long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section. 31899
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(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters. 31901
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(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group. 31906
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(d) The group agrees to the application of division (B) of this section. 31914
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(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group. 31916
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(C)(1) A consolidated elected taxpayer shall exclude taxable gross receipts between its members and taxable gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, except for taxable gross receipts received by a member described in division (E)(4) of section 5751.01 of the Revised Code that is not a qualifying dealer as defined in section 5725.24 of the Revised Code. Except as provided in division (C)(2) of this section, nothing in this section shall have the effect of excluding taxable gross receipts received from persons that are not members of the group. 31920
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(2) Gross receipts related to the sale or transmission of electricity through the use of an intermediary regional transmission organization approved by the federal energy regulatory commission shall be excluded from taxable gross receipts under division (C)(1) of this section if all other requirements of that division are met, even if the receipts are from and to the same member of the group.

(D) To make the election to be a consolidated elected taxpayer, a group of persons shall ~~apply to~~ notify the tax commissioner of the election in the manner prescribed by the commissioner and pay the commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. ~~The application election~~ shall be ~~filed~~ made and the fee paid before the later of the beginning of the first calendar quarter to which the election applies or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group. ~~The tax commissioner shall approve a group's election if the group satisfies the requirements of division (A) of this section.~~

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner.

(E) Each member of a consolidated elected taxpayer is jointly 31961
and severally liable for the tax imposed by this chapter and any 31962
penalties or interest thereon. The tax commissioner may require 31963
one person in the group to be the taxpayer for purposes of 31964
registration and remittance of the tax, but all members of the 31965
group are subject to assessment under section 5751.09 of the 31966
Revised Code. 31967

Sec. 5751.032. (A) As used in this section: 31968

(1) "CAT" refers to the tax levied by this chapter. 31969

(2) "CAT collected" means, with regard to a CAT test period, 31970
the net amount of CAT, exclusive of registration fees, received in 31971
the period after subtracting any CAT refunded in the period. 31972

(3) "First CAT test period" means the twenty-four month 31973
period beginning July 1, 2005, and ending June 30, 2007. 31974

(4) "Second CAT test period" means the twelve-month period 31975
beginning July 1, 2008, and ending June 30, 2009. 31976

(5) "Third CAT test period" means the twelve-month period 31977
beginning July 1, 2010, and ending June 30, 2011. 31978

(B) Not later than the last day of September immediately 31979
following the end of each CAT test period, the tax commissioner 31980
shall compute the amount of CAT collected during that test period. 31981
If the amount is less than ninety per cent or greater than one 31982
hundred ten per cent of the prescribed CAT collections for that 31983
period, the commissioner shall proceed as provided in division (C) 31984
or (D) of this section, as applicable. For the purposes of 31985
division (B) of this section, the prescribed CAT collections for 31986
the CAT test periods are as follows: 31987

(1) For the first CAT test period, eight hundred fifteen 31988
million dollars; 31989

(2) For the second CAT test period, one billion one hundred 31990
ninety million dollars less any amount credited to the commercial 31991
activity tax reduction fund with regard to the first CAT test 31992
period; 31993

(3) For the third CAT test period, one billion six hundred 31994
ten million dollars less any amount credited to the commercial 31995
activity tax reduction fund with regard to the second CAT test 31996
period. 31997

(C)(1) If the amount of CAT collected during a CAT test 31998
period is less than ninety per cent of the prescribed CAT 31999
collections for that test period, the tax commissioner shall 32000
determine a new tax rate equal to the tax rate that would have 32001
yielded the prescribed CAT collections during that test period. 32002
The tax rate shall be the rate that would have to be imposed under 32003
division (A) of section 5751.03 of the Revised Code before any 32004
applicable phase-in percentages under section 5751.031 of the 32005
Revised Code or otherwise provided by law to yield the prescribed 32006
CAT collection after applying any applicable phase-in percentages. 32007

(2) If the amount of CAT collected during a CAT test period 32008
exceeds one hundred ten per cent of the prescribed CAT collections 32009
for that test period, the tax commissioner shall determine a new 32010
tax rate equal to the tax rate that would have yielded the 32011
prescribed CAT collections during that test period less one-half 32012
of the amount of the excess that was certified to the director of 32013
budget and management for the test period under division (D) of 32014
this section. The tax rate shall be the rate that would have to be 32015
imposed under division (A) of section 5751.03 of the Revised Code 32016
before any applicable phase-in percentages under section 5751.031 32017
of the Revised Code or otherwise provided by law to yield the 32018
prescribed CAT collection after applying any applicable phase-in 32019
percentages. 32020

(3) A new tax rate computed under division (C)(1) or (2) of this section shall be expressed as a number of mills per dollar, rounded to the nearest one-hundredth of one mill. The rate shall be rounded upward by one-hundredth of one mill only if the next decimal digit is five or more.

(4) Not later than the last day of September following the end of the CAT test period on the basis of which a new tax rate is computed, the tax commissioner shall certify the new tax rate to the governor, the president of the senate, the speaker of the house of representatives, and all other members of the general assembly. The commissioner shall publish the new tax rate by journal entry and provide notice of the new tax rate to taxpayers. The new tax rate shall be the rate imposed under division (A) of section 5751.03 of the Revised Code beginning with the ensuing calendar year, and is subject to any applicable phase-in percentages provided for under section 5751.031 of the Revised Code.

(D) If the amount of CAT collected during a CAT test period exceeds one hundred ten per cent of the prescribed CAT collections for that test period, the tax commissioner shall certify the excess amount to the director of budget and management not later than the last day of September immediately following the end of that test period. The director shall forthwith transfer from the general revenue fund one-half of the amount of the excess so certified to the commercial activity tax refund fund, which is hereby created in the state treasury, and the remaining one-half of the amount of the excess to the budget stabilization fund. All money credited to the commercial activity tax refund fund shall be applied to reimburse the general revenue fund, school district tangible property tax replacement fund, and local government tangible property tax replacement fund for the diminution in revenue caused by the credit provided under division (D) of

section 5751.03 of the Revised Code. On or before the last day of 32053
May, August, and October of the calendar year that begins after 32054
the end of the test period, and on or before the last day of 32055
February of the following calendar year, the director of budget 32056
and management shall transfer one-fourth of the amount that had 32057
been transferred to the commercial activity tax refund fund to 32058
each of those funds in the proportions specified under division 32059
(B) of section 5751.21 of the Revised Code. 32060

In the calendar year that begins immediately after the year 32061
in which a transfer is made to the commercial activity tax refund 32062
fund, the tax commissioner shall compute the amount to be 32063
credited, under division (D) of section 5751.03 of the Revised 32064
Code, to each taxpayer that paid in full the tax imposed under 32065
this chapter for the calendar year in which the transfer was made. 32066
The credit allowed to each such taxpayer shall equal the amount 32067
transferred to the commercial activity tax refund fund multiplied 32068
by a fraction, the numerator of which is the amount of tax paid by 32069
that taxpayer for that calendar year and the denominator of which 32070
is the total of the taxes paid by all such taxpayers for which the 32071
credit is allowed. The credit applies only to the calendar year 32072
that begins immediately after the year in which a transfer is made 32073
to the commercial activity tax refund fund under this division. 32074

(E) It is the intent of the General Assembly to conduct a 32075
review of the prescribed CAT collections and rate adjustments 32076
provided for under divisions (A) to (D) of this section every two 32077
years in conjunction with its biennial budget deliberations, and 32078
to establish lower prescribed CAT collections or reduce the rate 32079
of tax levied under this chapter on the basis of the following 32080
three factors: 32081

(1) The revenue yield of the tax; 32082

(2) The condition of the Ohio economy; 32083

(3) Savings realized by ongoing reform to medicaid and other policy initiatives. 32084
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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: 32086
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(1) The person's name; 32092

(2) If applicable, the name of the state or country under the laws of which the person is incorporated; 32093
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(3) If applicable, the location of a person's principal office, ~~and, in the case of a foreign corporation, the location of its principal place of business in this state~~ and the name and address of the officer or agent of the corporation in charge of the business ~~in this state~~; 32095
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(4) If applicable, the names of the person's president, secretary, treasurer, and statutory agent designated pursuant to section 1703.041 of the Revised Code, with the post office address of each; 32100
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(5) The kind of business in which the person is engaged, including applicable business or industry codes; 32104
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(6) ~~The~~ If required by the tax commissioner, the date of the beginning of the person's annual accounting period that includes the first day of January of the taxable calendar year; 32106
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(7) If the person is not a corporation or a sole proprietor, the names of ~~all~~ the person's owners and officers, if required by the tax commissioner; 32109
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(8) The person's federal employer identification number or 32112

numbers or, if those are not applicable, the person's social 32113
security number or equivalent; 32114

(9) All other information that the commissioner requires to 32115
administer and enforce this chapter. 32116

(B) Except as otherwise provided in this division, each 32117
person registering with the tax commissioner as required by 32118
division (A) of this section shall pay a registration fee. The fee 32119
shall be in the amount of fifteen dollars if a person registers 32120
electronically and twenty dollars if a person does not register 32121
electronically. The registration fee shall be paid in the manner 32122
prescribed by the tax commissioner at the same time the 32123
registration is due if a person is subject to the tax imposed 32124
under this chapter before January 1, 2006. If a person first 32125
becomes subject to the tax after that date, the registration fee 32126
is payable with the first tax period return the person is required 32127
to file as prescribed by section 5751.051 of the Revised Code. If 32128
a registration fee is not paid when due, an additional fee is 32129
imposed in the amount of one hundred dollars per month or part 32130
thereof the fee is outstanding, not to exceed one thousand 32131
dollars. The tax commissioner may abate the additional fee. The 32132
fee imposed under this division may be assessed in the same manner 32133
as the tax imposed under this chapter. Proceeds from the fee shall 32134
be credited to the commercial activity tax administrative fund, 32135
which is hereby created in the state treasury for the commissioner 32136
to use in implementing and administering the tax imposed under 32137
this chapter. 32138

No registration fee is payable by a person for a calendar 32139
year if the person first begins business operations in this state 32140
after the thirtieth day of November of that calendar year or if 32141
the person's taxable gross receipts for the calendar year exceed 32142
one hundred fifty thousand dollars but do not exceed one hundred 32143
fifty thousand dollars as of the first day of December of the 32144

calendar year. 32145

Registration fees paid under this section, excluding any 32146
additional fee imposed for late payment of the registration fee, 32147
shall be credited against the first payment of tax payable under 32148
section 5751.03 of the Revised Code after the registration fee is 32149
paid. 32150

(C) If a person that has registered under this section is no 32151
longer a taxpayer subject to this chapter, including no longer 32152
being a taxpayer because of the application of division (E)(1) of 32153
section 5751.01 of the Revised Code, the person shall notify the 32154
commissioner that the person's registration should be cancelled. 32155

Sec. 5751.05. (A) If a person subject to this chapter 32156
anticipates that the person's taxable gross receipts will be ~~less~~ 32157
~~than~~ one million dollars or less in calendar year 2006, the person 32158
may elect to be a calendar year taxpayer. If a person is not 32159
required to be registered under this section for calendar year 32160
2006 and anticipates that the person's taxable gross receipts will 32161
be ~~less than~~ one million dollars or less in the first calendar 32162
year the person is required to register under this section, the 32163
person may elect to be a calendar year taxpayer. 32164

(B) Any person that is a calendar year taxpayer pursuant to 32165
an election under division (A) of this section shall become a 32166
calendar quarter taxpayer in the subsequent calendar year if the 32167
person's taxable gross receipts for the prior calendar year are 32168
more than one million dollars ~~or more~~, and shall remain a calendar 32169
quarter taxpayer until the person notifies the tax commissioner, 32170
and receives approval in writing from the tax commissioner, to 32171
switch back to being a calendar year taxpayer. Nothing in this 32172
division prohibits a person that has elected to be a calendar year 32173
taxpayer from notifying the tax commissioner, using the procedures 32174
prescribed by the commissioner, that it is switching back to being 32175

a calendar quarter taxpayer. 32176

(C) Any taxpayer that is not a calendar year taxpayer 32177
pursuant to this section is a calendar quarter taxpayer. The tax 32178
commissioner may grant written approval for a calendar quarter 32179
taxpayer to use an alternative reporting schedule or estimate the 32180
amount of tax due for a calendar quarter if the taxpayer 32181
demonstrates to the commissioner the need for such a deviation. 32182
The commissioner may adopt a rule to apply division (C) of this 32183
section to a group of taxpayers without the taxpayers having to 32184
receive written approval from the commissioner. 32185

Sec. 5751.051. (A)(1) Not later than forty days after the end 32186
of each calendar quarter, every taxpayer other than a calendar 32187
year taxpayer shall file with the tax commissioner a tax return in 32188
such form as the commissioner prescribes. The return shall 32189
include, but is not limited to, the amount of the taxpayer's 32190
taxable gross receipts for the calendar quarter and shall indicate 32191
the amount of tax due under section 5751.03 of the Revised Code 32192
for the calendar quarter. 32193

(2)(a) Subject to division (C) of section 5751.05 of the 32194
Revised Code, a calendar quarter taxpayer shall report the taxable 32195
gross receipts for that calendar quarter. 32196

(b) With respect to taxable gross receipts incorrectly 32197
reported in a calendar quarter that has a lower tax rate, the tax 32198
shall be computed at the tax rate in effect for the quarterly 32199
return in which such receipts should have been reported. Nothing 32200
in division (A)(2)(b) of this section prohibits a taxpayer from 32201
filing an application for refund under section 5751.08 of the 32202
Revised Code with regard to the incorrect reporting of taxable 32203
gross receipts discovered after filing the annual return described 32204
in division (A)(3) of this section. 32205

A tax return shall not be deemed to be an incorrect reporting 32206

of taxable gross receipts for the purposes of division (A)(2)(b) 32207
of this section if the return reflects between ninety-five and one 32208
hundred five per cent of the actual taxable gross receipts for the 32209
calendar quarter. 32210

(3) The tax return filed for the fourth calendar quarter of a 32211
calendar year is the annual return for the privilege tax imposed 32212
by this chapter. Such return shall report any additional taxable 32213
gross receipts not previously reported in the calendar year and 32214
shall adjust for any over-reported taxable gross receipts in the 32215
calendar year. If the taxpayer ceases to be a taxpayer before the 32216
end of the calendar year, the last return the taxpayer is required 32217
to file shall be the annual return for the taxpayer and the 32218
taxpayer shall report any additional taxable gross receipts not 32219
previously reported in the calendar year and shall adjust for any 32220
over-reported taxable gross receipts in the calendar year. 32221

(4) Because the tax imposed by this chapter is a privilege 32222
tax, the tax rate with respect to taxable gross receipts for a 32223
calendar quarter is not fixed until the end of the measurement 32224
period for each calendar quarter. Subject to division (A)(2)(b) of 32225
this section, the total amount of taxable gross receipts reported 32226
for a given calendar quarter shall be subject to the tax rate in 32227
effect in that quarter. 32228

(5) Not later than forty days after the end of each calendar 32229
year, every calendar year taxpayer shall file with the tax 32230
commissioner a tax return in such form as the commissioner 32231
prescribes. The return shall include, but is not limited to, the 32232
amount of the taxpayer's taxable gross receipts for the calendar 32233
year and shall indicate the amount of tax due under section 32234
5751.03 of the Revised Code for the calendar year. 32235

(B)(1) A person that first becomes subject to the tax imposed 32236
under this chapter ~~during a calendar quarter on or after January~~ 32237

~~1, 2006,~~ shall pay the minimum tax imposed under division (B) of 32238
section 5751.03 of the Revised Code along with the registration 32239
fee imposed under this section, if applicable, on or before the 32240
day the return is required to be filed for that quarter under 32241
division (A)(1) of this section, regardless of whether the person 32242
elects to be a calendar year taxpayer under section 5751.05 of the 32243
Revised Code. 32244

(2) The amount of the minimum tax for a person subject to 32245
division (B)(1) of this section shall be reduced to seventy-five 32246
dollars if the registration is timely filed after the first day of 32247
May and before the first day of ~~December~~ January of the following 32248
calendar year. 32249

Sec. 5751.10. If any person liable for the tax imposed under 32250
this chapter sells the trade or business, disposes in any manner 32251
other than in the regular course of business at least seventy-five 32252
per cent of assets of the trade or business, or quits the trade or 32253
business, any tax owed by such person shall become due and payable 32254
immediately, and the person shall pay the tax under this section, 32255
including any applicable penalties and interest, within ~~fifteen~~ 32256
forty-five days after the date of selling or quitting the trade or 32257
business. The person's successor shall withhold a sufficient 32258
amount of the purchase money to cover the amount due and unpaid 32259
until the former owner produces a receipt from the tax 32260
commissioner showing that the amounts are paid or a certificate 32261
indicating that no taxes are due. If a purchaser fails to withhold 32262
purchase money, that person is personally liable up to the 32263
purchase money amount, for such amounts that are unpaid during the 32264
operation of the business by the former owner. 32265

The tax commissioner may adopt rules regarding the issuance 32266
of certificates under this section, including the waiver of the 32267
need for a certificate if certain criteria are met. 32268

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of	32269
the Revised Code:	32270
(1) "School district," "joint vocational school district,"	32271
"local taxing unit," "state education aid," "recognized	32272
valuation," "fixed-rate levy," and "fixed-sum levy" have the same	32273
meanings as used in section 5727.84 of the Revised Code.	32274
(2) "State education aid offset" means the amount determined	32275
for each school district or joint vocational school district under	32276
division (A)(1) of section 5751.21 of the Revised Code.	32277
(3) "Machinery and equipment property tax value loss" means	32278
the amount determined under division (C)(1) of this section.	32279
(4) "Inventory property tax value loss" means the amount	32280
determined under division (C)(2) of this section.	32281
(5) "Furniture and fixtures property tax value loss" means	32282
the amount determined under division (C)(3) of this section.	32283
(6) "Machinery and equipment fixed-rate levy loss" means the	32284
amount determined under division (D)(1) of this section.	32285
(7) "Inventory fixed-rate levy loss" means the amount	32286
determined under division (D)(2) of this section.	32287
(8) "Furniture and fixtures fixed-rate levy loss" means the	32288
amount determined under division (D)(3) of this section.	32289
(9) "Total fixed-rate levy loss" means the sum of the	32290
machinery and equipment fixed-rate levy loss, the inventory	32291
fixed-rate levy loss, the furniture and fixtures fixed-rate levy	32292
loss, and the telephone company fixed-rate levy loss.	32293
(10) "Fixed-sum levy loss" means the amount determined under	32294
division (E) of this section.	32295
(11) "Machinery and equipment" means personal property	32296
subject to the assessment rate specified in division (F) of	32297

section 5711.22 of the Revised Code. 32298

(12) "Inventory" means personal property subject to the 32299
assessment rate specified in division (E) of section 5711.22 of 32300
the Revised Code. 32301

(13) "Furniture and fixtures" means personal property subject 32302
to the assessment rate specified in division (G) of section 32303
5711.22 of the Revised Code. 32304

(14) "Qualifying levies" are levies in effect for tax year 32305
2004 or applicable to tax year 2005 or approved at an election 32306
conducted before September 1, 2005, ~~and first levied in tax year~~ 32307
~~2006~~. For the purpose of determining the rate of a qualifying levy 32308
authorized by section 5705.212 or 5705.213 of the Revised Code, 32309
the rate shall be the rate that would be in effect for tax year 32310
2010. 32311

(15) "Telephone property" means tangible personal property of 32312
a telephone, telegraph, or interexchange telecommunications 32313
company subject to an assessment rate specified in section 32314
5727.111 of the Revised Code in tax year 2004. 32315

(16) "Telephone property tax value loss" means the amount 32316
determined under division (C)(4) of this section. 32317

(17) "Telephone property fixed-rate levy loss" means the 32318
amount determined under division (D)(4) of this section. 32319

(B) The commercial activities tax receipts fund is hereby 32320
created in the state treasury and shall consist of money arising 32321
from the tax imposed under this chapter. All money in that fund 32322
shall be credited for each fiscal year in the following 32323
percentages to the general revenue fund, to the school district 32324
tangible property tax replacement fund, which is hereby created in 32325
the state treasury for the purpose of making the payments 32326
described in section 5751.21 of the Revised Code, and to the local 32327

government tangible property tax replacement fund, which is hereby 32328
created in the state treasury for the purpose of making the 32329
payments described in section 5751.22 of the Revised Code, in the 32330
following percentages: 32331

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%	32333
2007	0%	70.0%	30.0%	32334
2008	0%	70.0%	30.0%	32335
2009	0%	70.0%	30.0%	32336
2010	0%	70.0%	30.0%	32337
2011	0%	70.0%	30.0%	32338
2012	5.3%	70.0%	24.7%	32339
2013	19.4%	70.0%	10.6%	32340
2014	14.1%	70.0%	15.9%	32341
2015	17.6%	70.0%	12.4%	32342
2016	21.1%	70.0%	8.9%	32343
2017	24.6%	70.0%	5.4%	32344
2018	28.1%	70.0%	1.9%	32345
2019 and thereafter	100%	0%	0%	32346

(C) Not later than September 15, 2005, the tax commissioner 32347
shall determine for each school district, joint vocational school 32348
district, and local taxing unit its machinery and equipment, 32349
inventory property, furniture and fixtures property, and telephone 32350
property tax value losses, which are the applicable amounts 32351
described in divisions (C)(1), (2), (3), and (4) of this section, 32352
except as provided in division (C)(5) of this section: 32353

(1) Machinery and equipment property tax value loss is the 32354
taxable value of machinery and equipment property as reported by 32355

taxpayers for tax year 2004 multiplied by:	32356
(a) For tax year 2006, thirty-three and eight-tenths per cent;	32357 32358
(b) For tax year 2007, sixty-one and three-tenths per cent;	32359
(c) For tax year 2008, eighty-three per cent;	32360
(d) For tax year 2009 and thereafter, one hundred per cent.	32361
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	32362 32363 32364
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	32365 32366 32367
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	32368 32369
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	32370 32371 32372
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	32373 32374 32375
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	32376 32377 32378
(a) For tax year 2006, twenty-five per cent;	32379
(b) For tax year 2007, fifty per cent;	32380
(c) For tax year 2008, seventy-five per cent;	32381
(d) For tax year 2009 and thereafter, one hundred per cent.	32382
The taxable value of property reported by taxpayers used in	32383

divisions (C)(1), (2), and (3) of this section shall be such 32384
values as determined to be final by the tax commissioner as of 32385
August 31, 2005. Such determinations shall be final except for any 32386
correction of a clerical error that was made prior to August 31, 32387
2005, by the tax commissioner. 32388

(4) Telephone property tax value loss is the taxable value of 32389
telephone property as taxpayers would have reported that property 32390
for tax year 2004 if the assessment rate for all telephone 32391
property for that year were twenty-five per cent, multiplied by: 32392

(a) For tax year 2006, zero per cent; 32393

(b) For tax year 2007, zero per cent; 32394

(c) For tax year 2008, zero per cent; 32395

(d) For tax year 2009, sixty per cent; 32396

(e) For tax year 2010, eighty per cent; 32397

(f) For tax year 2011 and thereafter, one hundred per cent. 32398

(5) Division (C)(5) of this section applies to any school 32399
district, joint vocational school district, or local taxing unit 32400
in a county in which is located a facility currently or formerly 32401
devoted to the enrichment or commercialization of uranium or 32402
uranium products, and for which the total taxable value of 32403
property listed on the general tax list of personal property for 32404
any tax year from tax year 2001 to tax year 2004 was fifty per 32405
cent or less of the taxable value of such property listed on the 32406
general tax list of personal property for the next preceding tax 32407
year. 32408

In computing the property tax value losses under divisions 32409
(C)(1), (2), (3), and (4) of this section for any school district, 32410
joint vocational school district, or local taxing unit to which 32411
division (C)(5) of this section applies, the taxable value of such 32412
property as listed on the general tax list of personal property 32413

for tax year 2000 shall be substituted for the taxable value of 32414
such property as reported by taxpayers for tax year 2004 if the 32415
taxable value listed for tax year 2000 is greater than the taxable 32416
value reported by taxpayers for tax year 2004. 32417

To facilitate the calculations required under division (C) of 32418
this section, the county auditor, upon request from the tax 32419
commissioner, shall provide by August 1, 2005, the values of 32420
machinery and equipment, inventory, and furniture and fixtures for 32421
all single-county personal property taxpayers for tax year 2004. 32422

(D) Not later than September 15, 2005, the tax commissioner 32423
shall determine for each tax year from 2006 through 2009 for each 32424
school district, joint vocational school district, and local 32425
taxing unit its machinery and equipment, inventory, and furniture 32426
and fixtures fixed-rate levy losses, and for each tax year from 32427
2006 through 2011 its telephone property fixed-rate levy loss, 32428
which are the applicable amounts described in divisions (D)(1), 32429
(2), (3), and (4) of this section: 32430

(1) The machinery and equipment fixed-rate levy loss is the 32431
machinery and equipment property tax value loss multiplied by the 32432
sum of the tax rates of fixed-rate qualifying levies. 32433

(2) The inventory fixed-rate loss is the inventory property 32434
tax value loss multiplied by the sum of the tax rates of 32435
fixed-rate qualifying levies. 32436

(3) The furniture and fixtures fixed-rate levy loss is the 32437
furniture and fixture property tax value loss multiplied by the 32438
sum of the tax rates of fixed-rate qualifying levies. 32439

(4) The telephone property fixed-rate levy loss is the 32440
telephone property tax value loss multiplied by the sum of the tax 32441
rates of fixed-rate qualifying levies. 32442

(E) Not later than September 15, 2005, the tax commissioner 32443

shall determine for each school district, joint vocational school 32444
district, and local taxing unit its fixed-sum levy loss. The 32445
fixed-sum levy loss is the amount obtained by subtracting the 32446
amount described in division (E)(2) of this section from the 32447
amount described in division (E)(1) of this section: 32448

(1) The sum of the machinery and equipment property tax value 32449
loss, the inventory property tax value loss, and the furniture and 32450
fixtures property tax value loss, and, for 2008 through 2017 the 32451
telephone property tax value loss of the district or unit 32452
multiplied by the sum of the fixed-sum tax rates of qualifying 32453
levies. For 2006 through 2010, this computation shall include all 32454
qualifying levies remaining in effect for the current tax year and 32455
any school district emergency levies that are qualifying levies 32456
not remaining in effect for the current year. For 2011 through 32457
2017, this computation shall include only qualifying levies 32458
remaining in effect for the current year. For purposes of this 32459
computation, a qualifying school district emergency levy remains 32460
in effect in a year after 2010 only if, for that year, the board 32461
of education levies a school district emergency levy for an annual 32462
sum at least equal to the annual sum levied by the board in tax 32463
year 2004 less the amount of the payment certified under this 32464
division for 2006. 32465

(2) The total taxable value in tax year 2004 less the sum of 32466
the machinery and equipment, inventory, furniture and fixtures, 32467
and telephone property tax value losses in each school district, 32468
joint vocational school district, and local taxing unit multiplied 32469
by one-half of one mill per dollar. 32470

(3) For the calculations in divisions (E)(1) and (2) of this 32471
section, the tax value losses are those that would be calculated 32472
for tax year 2009 under divisions (C)(1), (2), and (3) of this 32473
section and for tax year 2011 under division (C)(4) of this 32474
section. 32475

(4) To facilitate the calculation under divisions (D) and (E) 32476
of this section, not later than September 1, 2005, any school 32477
district, joint vocational school district, or local taxing unit 32478
that has a qualifying levy that was approved at an election 32479
conducted during 2005 before September 1, 2005, shall certify to 32480
the tax commissioner a copy of the county auditor's certificate of 32481
estimated property tax millage for such levy as required under 32482
division (B) of section 5705.03 of the Revised Code, which is the 32483
rate that shall be used in the calculations under such divisions. 32484

If the amount determined under division (E) of this section 32485
for any school district, joint vocational school district, or 32486
local taxing unit is greater than zero, that amount shall equal 32487
the reimbursement to be paid pursuant to division (D) of section 32488
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 32489
and the one-half of one mill that is subtracted under division 32490
(E)(2) of this section shall be apportioned among all contributing 32491
fixed-sum levies in the proportion that each levy bears to the sum 32492
of all fixed-sum levies within each school district, joint 32493
vocational school district, or local taxing unit. 32494

(F) Not later than October 1, 2005, the tax commissioner 32495
shall certify to the department of education for every school 32496
district and joint vocational school district the machinery and 32497
equipment, inventory, furniture and fixtures, and telephone 32498
property tax value losses determined under division (C) of this 32499
section, the machinery and equipment, inventory, furniture and 32500
fixtures, and telephone fixed-rate levy losses determined under 32501
division (D) of this section, and the fixed-sum levy losses 32502
calculated under division (E) of this section. The calculations 32503
under divisions (D) and (E) of this section shall separately 32504
display the levy loss for each levy eligible for reimbursement. 32505

(G) Not later than October 1, 2005, the tax commissioner 32506
shall certify the amount of the fixed-sum levy losses to the 32507

county auditor of each county in which a school district, joint 32508
vocational school district, or local taxing unit with a fixed-sum 32509
levy loss reimbursement has territory. 32510

Sec. 5751.21. (A) Not later than the thirty-first day of July 32511
of 2007 through 2017, the department of education shall determine 32512
the following for each school district and each joint vocational 32513
school district eligible for payment under division (B) of this 32514
section: 32515

(1) The state education aid offset, which is the difference 32516
obtained by subtracting the amount described in division (A)(1)(b) 32517
of this section from the amount described in division (A)(1)(a) of 32518
this section: 32519

(a) The state education aid computed for the school district 32520
or joint vocational school district for the current fiscal year as 32521
of the thirty-first day of July; 32522

(b) The state education aid that would be computed for the 32523
school district or joint vocational school district for the 32524
current fiscal year as of the thirty-first day of July if the 32525
recognized valuation included the machinery and equipment, 32526
inventory, furniture and fixtures, and telephone property tax 32527
value losses for the school district or joint vocational school 32528
district for the second preceding tax year. 32529

(2) The greater of zero or the difference obtained by 32530
subtracting the state education aid offset determined under 32531
division (A)(1) of this section from the sum of the machinery and 32532
equipment fixed-rate levy loss, the inventory fixed-rate levy 32533
loss, furniture and fixtures fixed-rate levy loss, and telephone 32534
property fixed-rate levy loss certified under division (F) of 32535
section 5751.20 of the Revised Code for all taxing districts in 32536
each school district and joint vocational school district for the 32537

second preceding tax year. 32538

By the fifth day of August of each such year, the department 32539
of education shall certify the amount so determined under division 32540
(A)(1) of this section to the director of budget and management. 32541

(B) The department of education shall pay from the school 32542
district tangible property tax replacement fund to each school 32543
district and joint vocational school district all of the following 32544
for fixed-rate levy losses certified under division (F) of section 32545
5751.20 of the Revised Code: 32546

(1) On or before May 31, 2006, one-seventh of the total 32547
fixed-rate levy loss for tax year 2006; 32548

(2) On or before August 31, 2006, and October 31, 2006, 32549
one-half of six-sevenths of the total fixed-rate levy loss ~~for~~ for 32550
tax year 2006; 32551

(3) On or before May 31, 2007, one-seventh of the total 32552
fixed-rate levy loss for tax year 2007; 32553

(4) On or before August 31, 2007, and October 31, 2007, 32554
forty-three per cent of the amount determined under division 32555
(A)(2) of this section for fiscal year 2008, but not less than 32556
zero, plus one-half of six-sevenths of the difference between the 32557
total fixed-rate levy loss for tax year 2007 and the total 32558
fixed-rate levy loss for tax year 2006. 32559

(5) On or before May 31, 2008, fourteen per cent of the 32560
amount determined under division (A)(2) of this section for fiscal 32561
year 2008, but not less than zero, plus one-seventh of the 32562
difference between the total fixed-rate levy loss for tax year 32563
2008 and the total fixed-rate levy loss for tax year 2006. 32564

(6) On or before August 31, 2008, and October 31, 2008, 32565
forty-three per cent of the amount determined under division 32566
(A)(2) of this section for fiscal year 2009, but not less than 32567

zero, plus one-half of six-sevenths of the difference between the 32568
total fixed-rate levy loss in tax year 2008 and the total 32569
fixed-rate levy loss in tax year 2007. 32570

(7) On or before May 31, 2009, fourteen per cent of the 32571
amount determined under division (A)(2) of this section for fiscal 32572
year 2009, but not less than zero, plus one-seventh of the 32573
difference between the total fixed-rate levy loss for tax year 32574
2009 and the total fixed-rate levy loss for tax year 2007. 32575

(8) On or before August 31, 2009, and October 31, 2009, 32576
~~fourth-three~~ forty-three per cent of the amount determined under 32577
division (A)(2) of this section for fiscal year 2010, but not less 32578
than zero, plus one-half of six-sevenths of the difference between 32579
the total fixed-rate levy loss in tax year 2009 and the total 32580
fixed-rate levy loss in tax year 2008. 32581

(9) On or before May 31, 2010, fourteen per cent of the 32582
amount determined under division (A)(2) of this section for fiscal 32583
year 2010, but not less than zero, plus one-seventh of the 32584
difference between the total fixed-rate levy loss in tax year 2010 32585
and the total fixed-rate levy loss in tax year 2008. 32586

(10) On or before August 31, 2010, and October 31, 2010, 32587
one-third of the amount determined under division (A)(2) of this 32588
section for fiscal year 2011, but not less than zero, plus 32589
one-half of six-sevenths of the difference between the telephone 32590
property fixed-rate levy loss for tax year 2010 and the telephone 32591
property fixed-rate levy loss for tax year 2009. 32592

(11) On or before May 31, 2011, fourteen per cent of the 32593
amount determined under division (A)(2) of this section for fiscal 32594
year 2011, but not less than zero, plus one-seventh of the 32595
difference between the telephone property fixed-rate levy loss for 32596
tax year 2011 and the telephone property fixed-rate levy loss for 32597
tax year 2009. 32598

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

(13) On or before May 31, 2012, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2012, multiplied by a fraction, the numerator of which is fourteen and the denominator of which is seventeen, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010.

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

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

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

(17) On or before August 31, 2015, October 31, 2015, and May

31, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

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

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

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(20) After May 31, 2018, no payments shall be made under this section.

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The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under division (F) of section 5751.20 of the Revised Code.

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

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

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payments determined in division (B) of this section. 32661

(D)(1) Not later than January 1, 2006, for each fixed-sum 32662
levy of each school district or joint vocational school district 32663
and for each year for which a determination is made under division 32664
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 32665
loss is to be reimbursed, the tax commissioner shall certify to 32666
the department of education the fixed-sum levy loss determined 32667
under that division. The certification shall cover a time period 32668
sufficient to include all fixed-sum levies for which the 32669
commissioner made such a determination. The department shall pay 32670
from the school district property tax replacement fund to the 32671
school district or joint vocational school district one-third of 32672
the fixed-sum levy loss so certified for each year on or before 32673
the last day of May, August, and ~~November~~ October of the current 32674
year. 32675

(2) Beginning in 2006, by the first day of January of each 32676
year, the tax commissioner shall review the certification 32677
originally made under division (D)(1) of this section. If the 32678
commissioner determines that a debt levy that had been scheduled 32679
to be reimbursed in the current year has expired, a revised 32680
certification for that and all subsequent years shall be made to 32681
the department of education. 32682

(E) Beginning in September 2007 and through June 2018, the 32683
director of budget and management shall transfer from the school 32684
district tangible property tax replacement fund to the general 32685
revenue fund each of the following: 32686

(1) On the first day of September, the lesser of one-fourth 32687
of the amount certified for that fiscal year under division (A)(1) 32688
of this section or the balance in the school district tangible 32689
property tax replacement fund; 32690

(2) On the first day of December, the lesser of one-fourth of 32691

the amount certified for that fiscal year under division (A)(1) of 32692
this section or the balance in the school district tangible 32693
property tax replacement fund; 32694

(3) On the first day of March, the lesser of one-fourth of 32695
the amount certified for that fiscal year under division (A)(1) of 32696
this section or the balance in the school district tangible 32697
property tax replacement fund; 32698

(4) On the first day of June, the lesser of one-fourth of the 32699
amount certified for that fiscal year under division (A)(1) of 32700
this section or the balance in the school district tangible 32701
property tax replacement fund. 32702

(F) For each of the fiscal years 2006 through 2018, if the 32703
total amount in the school district tangible property tax 32704
replacement fund is insufficient to make all payments under 32705
divisions (B), (C), ~~or~~ and (D) of this section at the times the 32706
payments are to be made, the director of budget and management 32707
shall transfer from the general revenue fund to the school 32708
district tangible property tax replacement fund the difference 32709
between the total amount to be paid and the amount in the school 32710
district tangible property tax replacement fund. For each fiscal 32711
year after 2018, at the time payments under division (D) of this 32712
section are to be made, the director of budget and management 32713
shall transfer from the general revenue fund to the school 32714
district property tax replacement fund the amount necessary to 32715
make such payments. 32716

(G) On the fifteenth day of June of 2006 through 2011, the 32717
director of budget and management may transfer any balance in the 32718
school district tangible property tax replacement fund to the 32719
general revenue fund. At the end of fiscal years 2012 through 32720
2018, any balance in the school district tangible property tax 32721
replacement fund shall remain in the fund to be used in future 32722

fiscal years for school purposes. 32723

(H) If all of the territory of a school district or joint 32724
vocational school district is merged with another district, or if 32725
a part of the territory of a school district or joint vocational 32726
school district is transferred to an existing or newly created 32727
district, the department of education, in consultation with the 32728
tax commissioner, shall adjust the payments made under this 32729
section as follows: 32730

(1) For a merger of two or more districts, the machinery and 32731
equipment, inventory, furniture and fixtures, and telephone 32732
property fixed-rate levy losses and the fixed-sum levy losses of 32733
the successor district shall be equal to the sum of the machinery 32734
and equipment, inventory, furniture and fixtures, and telephone 32735
property fixed-rate levy losses and debt levy losses as determined 32736
in section 5751.20 of the Revised Code, for each of the districts 32737
involved in the merger. 32738

(2) If property is transferred from one district to a 32739
previously existing district, the amount of machinery and 32740
equipment, inventory, furniture and fixtures, and telephone 32741
property fixed-rate levy losses that shall be transferred to the 32742
recipient district shall be an amount equal to the total machinery 32743
and equipment, inventory, furniture and fixtures, and telephone 32744
property fixed-rate levy losses times a fraction, the numerator of 32745
which is the value of business tangible personal property on the 32746
land being transferred in the most recent year for which data are 32747
available, and the denominator of which is the total value of 32748
business tangible personal property in the district from which the 32749
land is being transferred in the most recent year for which data 32750
are available. 32751

(3) After December 31, 2004, if property is transferred from 32752
one or more districts to a district that is newly created out of 32753

the transferred property, the newly created district shall be 32754
deemed not to have any machinery and equipment, inventory, 32755
furniture and fixtures, or telephone property fixed-rate levy 32756
losses and the districts from which the property was transferred 32757
shall have no reduction in their machinery and equipment, 32758
inventory, furniture and fixtures, and telephone property 32759
fixed-rate levy losses. 32760

(4) If the recipient district under division (H)(2) of this 32761
section or the newly created district under divisions (H)(3) of 32762
this section is assuming debt from one or more of the districts 32763
from which the property was transferred and any of the districts 32764
losing the property had fixed-sum levy losses, the department of 32765
education, in consultation with the tax commissioner, shall make 32766
an equitable division of the fixed-sum levy loss reimbursements. 32767

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 32768
commissioner shall compute the payments to be made to each local 32769
taxing unit for each year according to divisions (A)(1), (2), (3), 32770
and (4) of this section, and shall distribute the payments in the 32771
manner prescribed by division (C) of this section. The calculation 32772
of the fixed-sum levy loss shall cover a time period sufficient to 32773
include all fixed-sum levies for which the commissioner 32774
determined, pursuant to division (E) of section 5751.20 of the 32775
Revised Code, that a fixed-sum levy loss is to be reimbursed. 32776

(1) Except as provided in division (A)(4) of this section, 32777
for machinery and equipment, inventory, and furniture and fixtures 32778
fixed-rate levy losses determined under division (D) of section 32779
5751.20 of the Revised Code, payments shall be made in an amount 32780
equal to each of those losses multiplied by the following: 32781

(a) For tax years 2006 through 2010, one hundred per cent; 32782

(b) For tax year 2011, a fraction, the numerator of which is 32783

fourteen and the denominator of which is seventeen;	32784
(c) For tax year 2012, a fraction, the numerator of which is eleven and the denominator of which is seventeen;	32785 32786
(d) For tax year 2013, a fraction, the numerator of which is nine and the denominator of which is seventeen;	32787 32788
(e) For tax year 2014, a fraction, the numerator of which is seven and the denominator of which is seventeen;	32789 32790
(f) For tax year 2015, a fraction, the numerator of which is five and the denominator of which is seventeen;	32791 32792
(g) For tax year 2016, a fraction, the numerator of which is three and the denominator of which is seventeen;	32793 32794
(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;	32795 32796
(i) For tax years 2018 and thereafter, no fixed-rate payments shall be made.	32797 32798
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.	32799 32800 32801
(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:	32802 32803 32804 32805 32806
(a) For tax years 2009 through 2011, one hundred per cent;	32807
(b) For tax year 2012, seven-eighths;	32808
(c) For tax year 2013, six-eighths;	32809
(d) For tax year 2014, five-eighths;	32810
(e) For tax year 2015, four-eighths;	32811

(f) For tax year 2016, three-eighths;	32812
(g) For tax year 2017, two-eighths;	32813
(h) For tax year 2018, one-eighth;	32814
(i) For tax years 2019 and thereafter, no fixed-rate payments shall be made.	32815 32816
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.	32817 32818 32819
(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.	32820 32821 32822 32823
(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.	32824 32825 32826 32827 32828 32829 32830 32831 32832 32833
(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all subsequent years shall be made.	32834 32835 32836 32837 32838 32839 32840 32841

(C) Payments to local taxing units required to be made under 32842
division (A) of this section shall be paid from the local 32843
government tangible property tax replacement fund to the county 32844
undivided income tax fund in the proper county treasury. Beginning 32845
in May 2006, ~~one-third~~ one-seventh of the amount certified under 32846
that division shall be paid by the last day of May₇ each year, and 32847
three-sevenths shall be paid by the last day of August₇ and 32848
October each year. Within forty-five days after receipt of such 32849
payments, the county treasurer shall distribute amounts determined 32850
under division (A) of this section to the proper local taxing unit 32851
as if they had been levied and collected as taxes, and the local 32852
taxing unit shall apportion the amounts so received among its 32853
funds in the same proportions as if those amounts had been levied 32854
and collected as taxes. 32855

(D) For each of the fiscal years 2006 through 2019, if the 32856
total amount in the local government tangible property tax 32857
replacement fund is insufficient to make all payments under 32858
division (C) of this section at the times the payments are to be 32859
made, the director of budget and management shall transfer from 32860
the general revenue fund to the local government tangible property 32861
tax replacement fund the difference between the total amount to be 32862
paid and the amount in the local government tangible property tax 32863
replacement fund. For each fiscal year after 2019, at the time 32864
payments under division (A)(2) of this section are to be made, the 32865
director of budget and management shall transfer from the general 32866
revenue fund to the local government property tax replacement fund 32867
the amount necessary to make such payments. 32868

(E) On the fifteenth day of June of each year from 2006 32869
through 2018, the director of budget and management may transfer 32870
any balance in the local government tangible property tax 32871
replacement fund to the general revenue fund. 32872

(F) If all or a part of the territories of two or more local 32873

taxing units are merged, or unincorporated territory of a township 32874
is annexed by a municipal corporation, the tax commissioner shall 32875
adjust the payments made under this section to each of the local 32876
taxing units in proportion to the tax value loss apportioned to 32877
the merged or annexed territory, or as otherwise provided by a 32878
written agreement between the legislative authorities of the local 32879
taxing units certified to the commissioner not later than the 32880
first day of June of the calendar year in which the payment is to 32881
be made. 32882

Sec. 5751.53. (A) As used in this section: 32883

(1) "Net income" and "taxable year" have the same meanings as 32884
in section 5733.04 of the Revised Code. 32885

(2) "Franchise tax year" means "tax year" as defined in 32886
section 5733.04 of the Revised Code. 32887

(3) "Deductible temporary differences" and "taxable temporary 32888
differences" have the same meanings as those terms have for 32889
purposes of paragraph 13 of the statement of financial accounting 32890
standards, number 109. 32891

(4) "Qualifying taxpayer" means a taxpayer under this chapter 32892
that has a qualifying Ohio net operating loss carryforward equal 32893
to or greater than the qualifying amount. 32894

(5) "Qualifying Ohio net operating loss carryforward" means 32895
an Ohio net operating loss carryforward that the taxpayer could 32896
deduct in whole or in part for franchise tax year 2006 under 32897
section 5733.04 of the Revised Code but for the application of 32898
division (H) of this section. A qualifying Ohio net operating loss 32899
carryforward shall not exceed the amount of loss carryforward from 32900
franchise tax year 2005 as reported by the taxpayer either on a 32901
franchise tax report for franchise tax year 2005 pursuant to 32902
section 5733.02 of the Revised Code or on an amended franchise tax 32903

report prepared in good faith for such year and filed before July 1, 2006. 32904
32905

(6) "Disallowed Ohio net operating loss carryforward" means 32906
the lesser of the amounts described in division (A)(6)(a) or (b) 32907
of this section, but the amounts described in divisions (A)(6)(a) 32908
and (b) of this section shall each be reduced by the qualifying 32909
amount. 32910

(a) The qualifying taxpayer's qualifying Ohio net operating 32911
loss carryforward; 32912

(b) The Ohio net operating loss carryforward amount that the 32913
qualifying taxpayer used to compute the related deferred tax asset 32914
reflected on its books and records on the last day of its taxable 32915
year ending in 2004, adjusted for return to accrual, but this 32916
amount shall be reduced by the qualifying related valuation 32917
allowance amount. For the purposes of this section, the 32918
"qualifying related valuation allowance amount" is the amount of 32919
Ohio net operating loss reflected in the qualifying taxpayer's 32920
computation of the valuation allowance account, as shown on its 32921
books and records on the last day of its taxable year ending in 32922
2004, with respect to the deferred tax asset relating to its Ohio 32923
net operating loss carryforward amount. 32924

(7) "Other net deferred tax items apportioned to this state" 32925
is the product of (a) the amount of other net deferred tax items 32926
and (b) the fraction described in division (B)(2) of section 32927
5733.05 for the qualifying taxpayer's franchise tax year 2005. 32928

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, 32929
the "amount of other net deferred tax items" is the difference 32930
between (i) the qualifying taxpayer's deductible temporary 32931
differences, net of related valuation allowance amounts, shown on 32932
the qualifying taxpayer's books and records on the last day of its 32933
taxable year ending in 2004, and (ii) the qualifying taxpayer's 32934

taxable temporary differences as shown on those books and records 32935
on that date. The amount of other net deferred tax items may be 32936
less than zero. 32937

(b) For the purposes of computing the amount of the 32938
qualifying taxpayer's other net deferred tax items described in 32939
division (A)(8)(a) of this section, any credit carryforward 32940
allowed under Chapter 5733. of the Revised Code shall be excluded 32941
from the amount of deductible temporary differences to the extent 32942
such credit carryforward amount, net of any related valuation 32943
allowance amount, is otherwise included in the qualifying 32944
taxpayer's deductible temporary differences, net of related 32945
valuation allowance amounts, shown on the qualifying taxpayer's 32946
books and records on the last day of the qualifying taxpayer's 32947
taxable year ending in 2004. 32948

(c) No portion of the disallowed Ohio net operating loss 32949
carryforward shall be included in the computation of the amount of 32950
the qualifying taxpayer's other net deferred tax items described 32951
in division (A)(8)(a) of this section. 32952

(d) In no event shall the amount of other net deferred tax 32953
items apportioned to this state exceed twenty-five per cent of the 32954
qualifying Ohio net operating loss carryforward. 32955

(9) "Amortizable amount" means: 32956

(a) If the qualifying taxpayer's other net deferred tax items 32957
apportioned to this state is equal to or greater than zero, eight 32958
per cent of the sum of the qualifying taxpayer's disallowed Ohio 32959
net operating loss carryforward and the qualifying taxpayer's 32960
other net deferred tax items apportioned to this state; 32961

(b) If the amount of the qualifying taxpayer's other net 32962
deferred tax items apportioned to this state is less than zero and 32963
if the absolute value of the amount of qualifying taxpayer's other 32964
net deferred tax items apportioned to this state is less than the 32965

qualifying taxpayer's disallowed net operating loss, eight per 32966
cent of the difference between the qualifying taxpayer's 32967
disallowed net operating loss carryforward and the absolute value 32968
of the qualifying taxpayer's other net deferred tax items 32969
apportioned to this state; 32970

(c) If the amount of the qualifying taxpayer's other net 32971
deferred tax items apportioned to this state is less than zero and 32972
if the absolute value of the amount of qualifying taxpayer's other 32973
net deferred tax items apportioned to this state is equal to or 32974
greater than the qualifying taxpayer's disallowed net operating 32975
loss, zero. 32976

(10) "Books and records" means the qualifying taxpayer's 32977
books, records, and all other information, all of which the 32978
qualifying taxpayer maintains and uses to prepare and issue its 32979
financial statements in accordance with generally accepted 32980
accounting principles. 32981

(11)(a) Except as modified by division (A)(11)(b) of this 32982
section, "qualifying amount" means fifty million dollars per 32983
person. 32984

(b) If for franchise tax year 2005 the person was a member of 32985
a combined franchise tax report, as provided by section 5733.052 32986
of the Revised Code, the "qualifying amount" is, in the aggregate, 32987
fifty million dollars for all members of that combined franchise 32988
tax report, and for purposes of divisions (A)(6)(a) and (b) of 32989
this section, those members shall allocate to each member any 32990
portion of the fifty million dollar amount. The total amount 32991
allocated to the members who are qualifying taxpayers shall equal 32992
fifty million dollars. 32993

(B) For each calendar period beginning prior to January 1, 32994
2030, there is hereby allowed a nonrefundable tax credit against 32995
the tax levied each year by this chapter on each qualifying 32996

taxpayer, on each consolidated elected taxpayer having one or more 32997
qualifying taxpayers as a member, and on each combined taxpayer 32998
having one or more qualifying taxpayers as a member. The credit 32999
shall be claimed in the order specified in section 5751.98 of the 33000
Revised Code and is allowed only to reduce the first one-half of 33001
any tax remaining after allowance of the credits that precede it 33002
in section 5751.98 of the Revised Code. No credit under division 33003
(B) of this section shall be allowed against the second one-half 33004
of such remaining tax. 33005

Except as otherwise limited by divisions (C) and (D) of this 33006
section, the maximum amount of the nonrefundable credit that may 33007
be used against the first one-half of the remaining tax for each 33008
calendar year is as follows: 33009

(1) For calendar year 2010, ten per cent of the amortizable 33010
amount; 33011

(2) For calendar year 2011, twenty per cent of the 33012
amortizable amount, less all amounts previously used; 33013

(3) For calendar year 2012, thirty per cent of the 33014
amortizable amount, less all amounts previously used; 33015

(4) For calendar year 2013, forty per cent of the amortizable 33016
amount, less all amounts previously used; 33017

(5) For calendar year 2014, fifty per cent of the amortizable 33018
amount, less all amounts previously used; 33019

(6) For calendar year 2015, sixty per cent of the amortizable 33020
amount, less all amounts previously used; 33021

(7) For calendar year 2016, seventy per cent of the 33022
amortizable amount, less all amounts previously used; 33023

(8) For calendar year 2017, eighty per cent of the 33024
amortizable amount, less all amounts previously used; 33025

(9) For calendar year 2018, ninety per cent of the 33026

amortizable amount, less all amounts previously used; 33027

(10) For each of calendar years 2019 through 2029, one 33028
hundred per cent of the amortizable amount, less all amounts used 33029
in all previous years. 33030

In no event shall the cumulative credit used for calendar 33031
years 2010 through 2029 exceed one hundred per cent of the 33032
amortizable amount. 33033

(C)(1) Except as otherwise set forth in division (C)(2) of 33034
this section, a refundable credit is allowed in calendar year 2030 33035
for any portion of the qualifying taxpayer's amortizable amount 33036
that is not used in accordance with division (B) of this section 33037
against the tax levied by this chapter on all taxpayers. 33038

(2) Division (C)(1) of this section shall not apply and no 33039
refundable credit shall be available to any person if during any 33040
portion of the calendar year 2030 the person is not subject to the 33041
tax imposed by this chapter. 33042

(D) Not later than June 30, 2006, each qualifying taxpayer, 33043
consolidated elected taxpayer, or combined taxpayer that will 33044
claim for any year the credit allowed in divisions (B) and (C) of 33045
this section shall file with the tax commissioner a report setting 33046
forth the amortizable amount available to such taxpayer and all 33047
other related information that the commissioner, by rule, 33048
requires. If the taxpayer does not timely file the report or fails 33049
to provide timely all information required by this division, the 33050
taxpayer is precluded from claiming any credit amounts described 33051
in divisions (B) and (C) of this section. Unless extended by 33052
mutual consent, the tax commissioner may, until June 30, 2010, 33053
audit the accuracy of the amortizable amount available to each 33054
taxpayer that will claim the credit, and adjust the amortizable 33055
amount or, if appropriate, issue any assessment or final 33056
determination, as applicable, necessary to correct any errors 33057

found upon audit. 33058

(E) For the purpose of calculating the amortizable amount, if 33059
the tax commissioner ascertains that any portion of that amount is 33060
the result of a sham transaction as described in section 5703.56 33061
of the Revised Code, the commissioner shall reduce the amortizable 33062
amount by two times the adjustment. 33063

(F) If one entity transfers all or a portion of its assets 33064
and equity to another entity as part of an entity organization or 33065
reorganization or subsequent entity organization or reorganization 33066
for which no gain or loss is recognized in whole or in part for 33067
federal income tax purposes under the Internal Revenue Code, the 33068
credits allowed by this section shall be computed in a manner 33069
consistent with that used to compute the portion, if any, of 33070
federal net operating losses allowed to the respective entities 33071
under the Internal Revenue Code. The tax commissioner may 33072
prescribe forms or rules for making the computations required by 33073
this division. 33074

(G)(1) Except as provided in division (F) of this section, no 33075
person shall pledge, collateralize, hypothecate, assign, convey, 33076
sell, exchange, or otherwise dispose of any or all tax credits, or 33077
any portion of any or all tax credits allowed under this section. 33078

(2) No credit allowed under this section is subject to 33079
execution, attachment, lien, levy, or other judicial proceeding. 33080

(H)(1)(a) Except as set forth in division (H)(1)(b) of this 33081
section and notwithstanding division (I)(1) of section 5733.04 of 33082
the Revised Code to the contrary, each person timely and fully 33083
complying with the reporting requirements set forth in division 33084
(D) of this section shall not claim, and shall not be entitled to 33085
claim, any deduction or adjustment for any Ohio net operating loss 33086
carried forward to any one or more franchise tax years after 33087
franchise tax year 2005. 33088

(b) Division (H)(1)(a) of this section applies only to the 33089
portion of the Ohio net operating loss represented by the 33090
disallowed Ohio net operating loss carryforward. 33091

(2) Notwithstanding division (I) of section 5733.04 of the 33092
Revised Code to the contrary, with respect to all franchise tax 33093
years after franchise tax year 2005, each person timely and fully 33094
complying with the reporting requirements set forth in division 33095
(D) of this section shall not claim, and shall not be entitled to 33096
claim, any deduction, exclusion, or adjustment with respect to 33097
deductible temporary differences reflected on the person's books 33098
and records on the last day of its taxable year ending in 2004. 33099

(3)(a) Except as set forth in division (H)(3)(b) of this 33100
section and notwithstanding division (I) of section 5733.04 of the 33101
Revised Code to the contrary, with respect to all franchise tax 33102
years after franchise tax year 2005, each person timely and fully 33103
complying with the reporting requirements set forth in division 33104
(D) of this section shall exclude from Ohio net income all taxable 33105
temporary differences reflected on the person's books and records 33106
on the last day of its taxable year ending in 2004. 33107

(b) In no event shall the exclusion provided by division 33108
(H)(3)(a) of this section for any franchise tax year exceed the 33109
amount of the taxable temporary differences otherwise included in 33110
Ohio net income for that year. 33111

(4) Divisions (H)(2) and (3) of this section shall apply only 33112
to the extent such items were used in the calculations of the 33113
credit provided by this section. 33114

Sec. 5919.19. (A) There is hereby created the commemorative 33115
Ohio national guard service medal. The adjutant general shall 33116
design the medal and administer the program for its distribution. 33117
Former members of the Ohio national guard who have been honorably 33118

or medically discharged or released from service in the Ohio 33119
national guard are eligible, upon application, to receive the 33120
medal. 33121

Eligible persons who apply to receive the medal shall submit 33122
to the adjutant general a copy of their DD-214 form or NGB-22 form 33123
and a fee in an amount to be determined by the adjutant general. 33124
The adjutant general shall set the fee at an amount necessary to 33125
cover the cost of producing the medal. 33126

(B) There is hereby created in the state treasury the 33127
national guard service medal fund. Fees collected from applicants 33128
for the medal as well as any appropriations made by the general 33129
assembly for purposes of the medal program shall be paid into the 33130
state treasury to the credit of the fund. The fund shall be used 33131
to pay for the production of the medal. 33132

Sec. 6121.02. There is hereby created the Ohio water 33133
development authority. Such authority is a body both corporate and 33134
politic in this state, and the carrying out of its purposes and 33135
the exercise by it of the powers conferred by ~~Chapter 6121. of the~~ 33136
~~Revised Code~~ this chapter shall be held to be, and are hereby 33137
determined to be, essential governmental functions and public 33138
purposes of the state, but the authority is not immune from 33139
liability by reason thereof. The authority is subject to all 33140
provisions of law generally applicable to state agencies ~~which~~ 33141
that do not conflict with this chapter. 33142

The authority shall consist of eight members as follows: five 33143
members appointed by the governor, with the advice and consent of 33144
the senate, no more than three of whom shall be members of the 33145
same political party, and the directors of natural resources, 33146
environmental protection, and development, who shall be members ex 33147
officio without compensation. The director of development may 33148
designate a person in the unclassified civil service to serve in 33149

the director's place as a member of the authority notwithstanding 33150
section 121.05 of the Revised Code. The appointive members shall 33151
be residents of the state, and shall have been qualified electors 33152
therein for a period of at least five years next preceding their 33153
appointment. Appointed members' terms of office shall be for eight 33154
years, commencing on the second day of July and ending on the 33155
first day of July. Each member shall hold office from the date of 33156
appointment until the end of the term for which the member was 33157
appointed. Any member appointed to fill a vacancy occurring prior 33158
to the expiration of the term for which the member's predecessor 33159
was appointed shall hold office for the remainder of such term. 33160
Any appointed member shall continue in office subsequent to the 33161
expiration date of the member's term until the member's successor 33162
takes office, or until a period of sixty days has elapsed, 33163
whichever occurs first. A member of the authority is eligible for 33164
reappointment. Each appointed member of the authority, before 33165
entering upon the performance of the duties of the office, shall 33166
take an oath as provided by Section 7 of Article XV, Ohio 33167
Constitution. The governor may at any time remove any member of 33168
the authority for misfeasance, nonfeasance, or malfeasance in 33169
office. 33170

The authority shall elect one of its appointed members as 33171
chairperson and another as vice-chairperson, and shall appoint a 33172
secretary-treasurer who need not be a member of the authority. 33173
Four members of the authority shall constitute a quorum, and the 33174
affirmative vote of four members shall be necessary for any action 33175
taken by vote of the authority. No vacancy in the membership of 33176
the authority shall impair the rights of a quorum by such vote to 33177
exercise all the rights and perform all the duties of the 33178
authority. 33179

Before the issuance of any water development revenue bonds 33180
under ~~Chapter 6121. of the Revised Code~~ this chapter, each 33181

appointed member of the authority shall give a surety bond to the 33182
state in the penal sum of twenty-five thousand dollars and the 33183
secretary-treasurer shall give such a bond in the penal sum of 33184
fifty thousand dollars, each such surety bond to be conditioned 33185
upon the faithful performance of the duties of the office, to be 33186
executed by a surety company authorized to transact business in 33187
this state, and to be approved by the governor and filed in the 33188
office of the secretary of state. Each appointed member of the 33189
authority shall receive an annual salary of five thousand dollars, 33190
payable in monthly installments, and is entitled to health care 33191
benefits comparable to those generally available to state officers 33192
and employees under section 124.82 of the Revised Code. If Section 33193
20 of Article II, Ohio Constitution, prohibits the Ohio water 33194
development authority from paying all or a part of the cost of 33195
health care benefits on behalf of a member of the authority for 33196
the remainder of an existing term, the member may receive these 33197
benefits by paying their total cost from the member's own 33198
financial resources, including paying by means of deductions from 33199
the member's salary. Each member shall be reimbursed for actual 33200
expenses necessarily incurred in the performance of official 33201
duties. All expenses incurred in carrying out ~~such sections~~ this 33202
chapter shall be payable solely from funds provided under ~~Chapter~~ 33203
~~6121. of the Revised Code~~ this chapter, or appropriated for such 33204
purpose by the general assembly and no liability or obligation 33205
shall be incurred by the authority beyond the extent to which 33206
moneys have been provided under ~~such sections~~ this chapter or such 33207
appropriations. 33208

Section 101.02. That existing sections 9.41, 9.901, 101.543, 33209
107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 33210
117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 33211
122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.137, 33212
124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 33213

124.182, 124.321, 124.327, 124.382, 124.384, 124.387, 124.389, 33214
124.391, 124.82, 124.821, 124.822, 124.823, 124.84, 125.21, 33215
126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 33216
133.06, 133.12, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 33217
173.391, 173.41, 184.20, 319.301, 340.021, 742.57, 901.23, 927.39, 33218
927.40, 927.41, 927.42, 955.011, 955.16, 955.43, 1309.102, 33219
1309.520, 1309.521, 1317.07, 1321.02, 1333.11, 1523.02, 1901.31, 33220
1901.311, 1901.32, 1901.33, 2151.357, 2305.2341, 2503.20, 2913.01, 33221
2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 33222
3302.021, 3307.32, 3309.68, 3310.03, 3310.06, 3313.29, 3313.372, 33223
3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 3314.08, 33224
3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 3317.02, 33225
3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 3317.03, 33226
3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 3317.19, 33227
3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 3345.05, 33228
3353.02, 3354.10, 3355.07, 3357.10, 3358.06, 3365.02, 3375.121, 33229
3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 33230
3734.57, 3735.67, 3745.114, 3905.43, 4109.01, 4109.02, 4109.06, 33231
4117.01, 4303.29, 4731.22, 4731.281, 4781.04, 4905.79, 5111.061, 33232
5111.081, 5111.082, 5111.083, 5111.084, 5111.085, 5111.11, 33233
5111.20, 5111.222, 5111.231, 5111.244, 5111.27, 5111.31, 5111.88, 33234
5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 33235
5112.31, 5115.04, 5119.16, 5123.0413, 5123.196, 5123.36, 5139.50, 33236
5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.091, 33237
5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.40, 5709.42, 33238
5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 33239
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5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 33242
5743.12, 5743.13, 5743.15, 5743.33, 5743.34, 5743.35, 5745.01, 33243
5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 33244
5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 33245

5751.10, 5751.20, 5751.21, 5751.22, 5751.53, and 6121.02 of the Revised Code are hereby repealed. 33246
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Section 105.01. That sections 3325.12, 3325.17, 3365.11, 4732.04, and 5111.18 of the Revised Code are hereby repealed. 33248
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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: 33250
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Reappropriations

Section 203.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 33254
CAP-786 Rural Areas Community Improvements \$ 45,000 33255
CAP-817 Urban Areas Community Improvements \$ 918,900 33256
Total Department of Administrative Services \$ 963,900 33257

RURAL AREAS COMMUNITY IMPROVEMENTS 33258

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. 33259
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URBAN AREAS COMMUNITY IMPROVEMENTS 33263

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 33264
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Community Service Center Repair & Renovation; and \$80,000 for 33273
Bowman Park - City of Toledo. 33274

Reappropriations

Section 203.30. DNR DEPARTMENT OF NATURAL RESOURCES 33275
CAP-823 Cost Sharing-Pollution Abatement \$ 22,538 33276
CAP-942 Local Parks Projects \$ 80,225 33277
CAP-999 Geographic Information Management System \$ 1,085 33278
Total Department of Natural Resources \$ 103,847 33279
TOTAL GRF General Revenue Fund \$ 1,067,747 33280

LOCAL PARKS PROJECTS 33281

From the foregoing appropriation item CAP-942, Local Parks 33282
Projects, \$75,000 shall be granted for the Liberty Township 33283
Playground. 33284

Section 203.40. No expenditures shall be made from any of the 33285
items appropriated from the General Revenue Fund in Sections 33286
203.20 and 203.30 of this act until the funds are released by the 33287
Controlling Board. 33288

Section 205.10. All items set forth in this section are 33289
hereby appropriated out of any moneys in the state treasury to the 33290
credit of the Wildlife Fund (Fund 015) that are not otherwise 33291
appropriated: 33292

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 33293
CAP-117 Cooper Hollow Wildlife Area \$ 4,815 33294
CAP-161 Tranquility Wildlife Area \$ 1,286 33295
CAP-216 Killbuck Creek Wildlife Area \$ 550 33296
CAP-387 Access Development \$ 2,459,274 33297
CAP-702 Upgrade Underground Fuel Tanks \$ 134,945 33298
CAP-703 Cap Abandoned Water Wells \$ 57,125 33299

CAP-754	Tiffin River Wildlife Area	\$	1,000	33300
CAP-834	Appraisal Fees - Statewide	\$	52,445	33301
CAP-852	Wildlife Area Building	\$	3,376,004	33302
	Development/Renovation			
CAP-881	Dam Rehabilitation	\$	500,000	33303
CAP-995	Boundary Protection	\$	100,000	33304
	Total Department of Natural Resources	\$	6,687,444	33305
	TOTAL Wildlife Fund	\$	6,687,444	33306

Section 207.10. The items set forth in this section are 33308
hereby appropriated out of any moneys in the state treasury to the 33309
credit of the Public School Building Fund (Fund 021) that are not 33310
otherwise appropriated: 33311

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			33312
CAP-622	Public School Buildings	\$	30,219,647	33313
CAP-778	Exceptional Needs	\$	1,440,286	33314
CAP-783	Emergency School Building Assistance	\$	15,000,000	33315
	Total School Facilities Commission	\$	46,659,933	33316
	TOTAL Public School Building Fund	\$	46,659,933	33317

Section 209.10. The items set forth in this section are 33319
hereby appropriated out of any moneys in the state treasury to the 33320
credit of the Highway Safety Fund (Fund 036) that are not 33321
otherwise appropriated: 33322

Reappropriations

	DHS DEPARTMENT OF PUBLIC SAFETY			33323
CAP-045	Platform Scales Improvements	\$	400,000	33324
CAP-072	Patrol Academy Infrastructure	\$	750,000	33325
	Improvements			
CAP-077	Van Wert Patrol Post	\$	31,567	33326
CAP-079	Ironton Patrol Post	\$	1,900,000	33327
	Total Department of Public Safety	\$	3,081,567	33328

TOTAL Highway Safety Fund \$ 3,081,567 33329

Section 211.10. All items set forth in this section are 33331
hereby appropriated out of any moneys in the state treasury to the 33332
credit of the Waterways Safety Fund (Fund 086) that are not 33333
otherwise appropriated: 33334

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 33335

CAP-082 Lake Loramie State Park \$ 128,617 33336

CAP-205 Deer Creek State Park \$ 360,000 33337

CAP-324 Cooperative Funding for Boating \$ 10,934,559 33338
Facilities

CAP-390 State Park Maintenance Facility \$ 1,821,093 33339
Development

CAP-934 Operations Facilities Development \$ 1,141,508 33340

Total Department of Natural Resources \$ 14,385,777 33341

TOTAL Waterways Safety Fund \$ 14,385,777 33342

Section 213.10. All items set forth in this section are 33344
hereby appropriated out of any moneys in the state treasury to the 33345
credit of the Underground Parking Garage Operating Fund (Fund 208) 33346
that are not otherwise appropriated: 33347

Reappropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 33348

CAP-004 Emergency Generator and Lighting System \$ 200,000 33349

CAP-008 Install Garage Oil Interceptor System \$ 60,000 33350

CAP-009 Garage Fire Suppression System \$ 706,631 33351

Total Capitol Square Review and Advisory Board \$ 966,631 33352

TOTAL Underground Parking Garage Operating Fund \$ 966,631 33353

UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM 33354

Appropriation item CAP-009, Garage Fire Suppression System, 33355
in the Underground Parking Garage Operating Fund (Fund 208), shall 33356

be used for completion of the second and final phase of a fire 33357
suppression system in the Statehouse garage. Notwithstanding any 33358
section of the Revised Code, any transfer or disbursement of 33359
moneys from appropriation item CAP-009, Garage Fire Suppression 33360
System, for this purpose shall be subject to Controlling Board 33361
approval. 33362

Section 215.10. The items set forth in this section are 33363
hereby appropriated out of any moneys in the state treasury to the 33364
credit of the Nursing Home - Federal Fund (Fund 319) that are not 33365
otherwise appropriated: 33366

Reappropriations

OVH OHIO VETERANS' HOME 33367

430-776	Mechanical Systems Upgrade	\$	1,560,000	33368
430-777	Secrest Kitchen Improvements	\$	260,000	33369
430-778	Corridor Renovations	\$	325,000	33370
430-781	Secrest/Veterans' Hall Roof Replacement	\$	552,500	33371
Total Ohio Veterans' Home		\$	2,697,500	33372
TOTAL Nursing Home - Federal Fund		\$	2,697,500	33373

Section 217.10. All items set forth in this section are 33375
hereby appropriated out of any moneys in the state treasury to the 33376
credit of the Army National Guard Service Contract Fund (Fund 342) 33377
that are not otherwise appropriated: 33378

Reappropriations

ADJ ADJUTANT GENERAL 33379

CAP-065	Local Armory Construction/Federal	\$	5,845,553	33380
Total Adjutant General		\$	5,845,553	33381
TOTAL Army National Guard Service Contract Fund		\$	5,845,553	33382

Section 219.10. All items set forth in this section are 33384
hereby appropriated out of any moneys in the state treasury to the 33385
credit of the Special Administrative Fund (Fund 4A9) that are not 33386

otherwise appropriated:			33387
		Reappropriations	
	JFS DEPARTMENT OF JOB AND FAMILY SERVICES		33388
CAP-027	Various Renovations - Local Offices	\$ 2,076,956	33389
CAP-702	Central Office Building Renovations	\$ 16,000,000	33390
	Total Department of Job and Family Services	\$ 18,076,956	33391
	TOTAL Special Administrative Fund	\$ 18,076,956	33392
	CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT		33393
	PLAN		33394
	Funds appropriated in the foregoing appropriation item		33395
	CAP-702, Central Office Building Renovations, are to be released		33396
	for expenditure only after approval of the Unemployment		33397
	Compensation Advisory Council created under section 4141.08 of the		33398
	Revised Code. The amount to be released shall be based on a		33399
	spending plan, which may include a repayment schedule, approved by		33400
	the Council. Once approval is received, the Director of Job and		33401
	Family Services shall request the Director of Budget and		33402
	Management or the Controlling Board to release the appropriation.		33403
	Section 221.10. The items set forth in this section are		33404
	hereby appropriated out of any moneys in the state treasury to the		33405
	credit of the Community Match Armories Fund (Fund 5U8) that are		33406
	not otherwise appropriated:		33407
		Reappropriations	
	ADJ ADJUTANT GENERAL		33408
CAP-066	Armory Construction/Local	\$ 4,273,922	33409
	Total Adjutant General	\$ 4,273,922	33410
	TOTAL Community Match Armories Fund	\$ 4,273,922	33411
	Section 223.10. The items set forth in this section are		33413
	hereby appropriated out of any moneys in the state treasury to the		33414
	credit of the State Fire Marshal Fund (Fund 546) that are not		33415

otherwise appropriated: 33416

Reappropriations

COM DEPARTMENT OF COMMERCE 33417

CAP-015 Site Improvements \$ 646 33418

CAP-016 MARCS Radio Communication \$ 33,187 33419

Total Department of Commerce \$ 33,833 33420

TOTAL State Fire Marshal Fund \$ 33,833 33421

Section 225.10. The items set forth in this section are 33423

hereby appropriated out of any moneys in the state treasury to the 33424

credit of the Veterans' Home Improvement Fund (Fund 604) that are 33425

not otherwise appropriated: 33426

Reappropriations

OVH OHIO VETERANS' HOME 33427

CAP-776 Mechanical Systems Upgrade \$ 811,800 33428

CAP-777 Secrest Kitchen Improvements \$ 95,318 33429

CAP-778 Corridor Renovations \$ 120,344 33430

CAP-779 Service Building \$ 33,410 33431

CAP-781 Secrest/Veterans' Hall Roof Replacement \$ 293,378 33432

CAP-782 HVAC Controls Upgrade \$ 135,000 33433

CAP-783 Resident Security Upgrade \$ 50,000 33434

CAP-784 Multipurpose/Employee Locker Room \$ 228,680 33435

Total Ohio Veterans' Home \$ 1,767,930 33436

TOTAL Veterans' Home Improvement Fund \$ 1,767,930 33437

Section 227.10. All items set forth in this section are 33439

hereby appropriated out of any moneys in the state treasury to the 33440

credit of the Education Facilities Trust Fund (Fund N87) that are 33441

not otherwise appropriated: 33442

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 33443

CAP-780 Classroom Facilities Assistance Program \$ 107,244,971 33444

CAP-784	Exceptional Needs Program	\$	7,097,377	33445
	Total School Facilities Commission	\$	114,342,348	33446
	TOTAL Education Facilities Trust Fund	\$	114,342,348	33447

Section 229.10. 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 Revitalization Fund (Fund 003) that are 33451
 not otherwise appropriated: 33452

Reappropriations

	DEV DEPARTMENT OF DEVELOPMENT			33453
CAP-001	Clean Ohio Revitalization	\$	40,702,351	33454
CAP-002	Clean Ohio Assistance	\$	13,208,076	33455
	Total Department of Development	\$	53,910,427	33456
	TOTAL Clean Ohio Revitalization Fund	\$	53,910,427	33457

Section 231.10. All items set forth in this section are 33459
 hereby appropriated out of any moneys in the state treasury to the 33460
 credit of the Job Ready Site Development Fund (Fund 012) that are 33461
 not otherwise appropriated: 33462

DEV DEPARTMENT OF DEVELOPMENT

				33463
				Reappropriations
CAP-003	Job Ready Site Development	\$	30,000,000	33464
	Total Department of Development	\$	30,000,000	33465
	TOTAL Job Ready Site Development Fund	\$	30,000,000	33466

Section 233.10. All items set forth in this section are 33468
 hereby appropriated out of any moneys in the state treasury to the 33469
 credit of the Highway Safety Building Fund (Fund 025) that are not 33470
 otherwise appropriated: 33471

Reappropriations

	DHS DEPARTMENT OF PUBLIC SAFETY			33472
CAP-047	Public Safety Office Building	\$	2,710,400	33473
CAP-068	Alum Creek Warehouse Renovations	\$	84,207	33474

CAP-069	Centre School Renovations	\$	20,219	33475
CAP-070	Canton One Stop Shop	\$	731,000	33476
CAP-076	Investigative Unit MARCS Equipment	\$	15,877	33477
	Total Department of Public Safety	\$	3,561,703	33478
	TOTAL Highway Safety Building Fund	\$	3,561,703	33479

Section 235.10. All items set forth in Sections 235.20 to 33481
236.20 of this act are hereby appropriated out of any moneys in 33482
the state treasury to the credit of the Administrative Building 33483
Fund (Fund 026) that are not otherwise appropriated: 33484

Reappropriations

	Section 235.20. ADJ ADJUTANT GENERAL			33485
CAP-032	Upgrade Underground Storage Tanks	\$	46,078	33486
CAP-034	Asbestos Abatement - Various Facilities	\$	6,392	33487
CAP-036	Roof Replacement - Various Facilities	\$	337,408	33488
CAP-038	Electrical System - Various Facilities	\$	164,912	33489
CAP-039	Camp Perry Facility Improvements	\$	235,272	33490
CAP-044	Replace Windows/Doors - Various Facilities	\$	257,459	33491
CAP-045	Plumbing Renovations - Various Facilities	\$	283,022	33492
CAP-046	Paving Renovations - Various Facilities	\$	788,000	33493
CAP-050	HVAC Systems - Various Facilities	\$	193,552	33494
CAP-054	Construct Camp Perry Administration Building	\$	6,540	33495
CAP-056	Masonry Renovations - Various Facilities	\$	181,096	33496
CAP-057	Sewer Improvement - Rickenbacker	\$	1,300	33497
CAP-059	Construct Bowling Green Armory	\$	14,151	33498
CAP-060	Facility Protection Measures	\$	463,246	33499
CAP-061	Repair/Renovate Waste Water System	\$	200,000	33500
CAP-068	Norwalk Armory Storage Facility	\$	15,000	33501
CAP-069	Construct Marysville Armory/Community	\$	2,883,475	33502

Center

Total Adjutant General \$ 6,076,903 33503

NEW ARMORY CONSTRUCTION 33504

The foregoing appropriation item CAP-059, Construct Bowling 33505
Green Armory, shall be used to fund the state's share of the cost 33506
of building a basic armory in the Bowling Green area, including 33507
the cost of site acquisition, site preparation, and planning and 33508
design. Appropriations shall not be released for this item without 33509
a certification by the Adjutant General to the Director of Budget 33510
and Management that sufficient moneys have been allocated for the 33511
federal share of the cost of construction. 33512

The amount reappropriated for appropriation item CAP-059, 33513
Construct Bowling Green Armory, is the unencumbered and unallotted 33514
balance as of June 30, 2006, in appropriation item CAP-059, 33515
Construct Bowling Green Armory, plus \$14,151. 33516

Reappropriations

Section 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 33517

CAP-809	Hazardous Substance Abatement	\$	1,609,476	33518
CAP-811	Health/EPA Laboratory Facilities	\$	1,116,354	33519
CAP-822	Americans with Disabilities Act	\$	1,598,416	33520
CAP-826	Office Services Building Renovation	\$	86,483	33521
CAP-827	Statewide Communications System	\$	16,943,803	33522
CAP-834	Capital Project Management System	\$	1,157,600	33523
CAP-835	Energy Conservation Projects	\$	890,085	33524
CAP-837	Major Computer Purchases	\$	1,476,068	33525
CAP-838	SOCC Renovations	\$	1,399,122	33526
CAP-844	Hamilton State/Local Government Center -	\$	57,500	33527
	Planning			
CAP-849	Facility Planning and Development	\$	3,492,200	33528
CAP-850	Education Building Renovations	\$	14,649	33529
CAP-852	North High Building Complex Renovations	\$	11,534,496	33530

CAP-855	Office Space Planning	\$	5,274,502	33531
CAP-856	Governor's Residence Security Update	\$	6,433	33532
CAP-859	eSecure Ohio	\$	2,626,921	33533
CAP-860	Structured Cabling	\$	403,518	33534
CAP-864	eGovernment Infrastructure	\$	1,297,400	33535
CAP-865	DAS Building Security	\$	140,852	33536
CAP-866	OH*1 Network	\$	4,000,000	33537
CAP-867	Lausche Building Connector	\$	1,307,200	33538
CAP-868	Riversouth Development	\$	18,500,000	33539
Total Department of Administrative Services		\$	74,933,078	33540

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 33541

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 33542
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Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the Department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project. 33545
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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. 33559
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IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 33563

The foregoing appropriation item CAP-822, Americans with 33564
Disabilities Act, shall be used to renovate state-owned facilities 33565
to provide access for physically disabled persons in accordance 33566
with Title II of the Americans with Disabilities Act. 33567

Prior to the release of funds for renovation, state agencies 33568
shall perform self-evaluations of state-owned facilities 33569
identifying barriers to access to service. State agencies shall 33570
prioritize access barriers and develop a transition plan for the 33571
removal of these barriers. The Department of Administrative 33572
Services shall review proposals from state agencies to use these 33573
funds for Americans with Disabilities Act renovations. 33574

Only agencies that have received appropriations for capital 33575
projects from the Administrative Building Fund (Fund 026) are 33576
eligible to receive funding from this item. Public school 33577
districts are not eligible. 33578

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 33579

There is hereby continued a Multi-Agency Radio Communications 33580
System (MARCS) Steering Committee consisting of the designees of 33581
the Directors of the Office of Information Technology, Public 33582
Safety, Natural Resources, Transportation, Rehabilitation and 33583
Correction, and Budget and Management. The Director of the Office 33584
of Information Technology or the Director's designee shall chair 33585
the Committee. The Committee shall provide assistance to the 33586
Director of the Office of Information Technology for effective and 33587
efficient implementation of the MARCS system as well as develop 33588
policies for the ongoing management of the system. Upon dates 33589
prescribed by the Directors of the Office of Information 33590
Technology and Budget and Management, the MARCS Steering Committee 33591
shall report to the Directors on the progress of MARCS 33592
implementation and the development of policies related to the 33593

system. 33594

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 Facility, computer and telecommunication equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers and between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds. 33595
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The amount reappropriated for the foregoing appropriation item CAP-827, Statewide Communications System, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-827, Statewide Communications System, plus \$623,665.11. 33607
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Spending from this appropriation item shall not be subject to Chapters 123. and 153. of the Revised Code. 33611
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ENERGY CONSERVATION PROJECTS 33613

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item. 33614
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NORTH HIGH BUILDING COMPLEX RENOVATIONS 33625

The amount reappropriated for the foregoing appropriation 33626
 item CAP-852, North High Building Complex Renovations, is the 33627
 unencumbered and unallotted balance as of June 30, 2006, in 33628
 appropriation item CAP-852, North High Building Complex 33629
 Renovations, plus the sum of the unencumbered and unallotted 33630
 balance for appropriation item CAP-813, Heer Building Renovation 33631
 as of June 30, 2006. 33632

Reappropriations

Section 235.40. AGR DEPARTMENT OF AGRICULTURE 33633

CAP-025	Building Renovations	\$	5,020	33634
CAP-029	Administration Building Renovation	\$	541	33635
CAP-033	Site Electrical/Utility Improvement	\$	15,420	33636
CAP-037	Consumer Lab/Weights/Measures Equip	\$	6,428	33637
CAP-039	Renovate Weights/Measures Building	\$	307,655	33638
CAP-042	Reynoldsburg Complex Security	\$	110,000	33639
CAP-043	Building and Grounds Renovation	\$	501,863	33640
CAP-044	Renovate Building 4	\$	59,832	33641
CAP-049	Consumer Analytical Laboratory	\$	110,000	33642
CAP-050	Plant Industries Building Planning	\$	650,000	33643
Total Department of Agriculture		\$	1,766,759	33644

Reappropriations

Section 235.50. AGO ATTORNEY GENERAL 33646

CAP-715	Expand/Renovate Richfield Lab	\$	51,942	33647
Total Attorney General		\$	51,942	33648

EXPAND/RENOVATE RICHFIELD LAB 33649

The amount reappropriated for appropriation item CAP-715, 33650
 Expand/Renovate Richfield Lab, is the unencumbered and unallotted 33651
 balance as of June 30, 2006, in appropriation item CAP-715, 33652
 Expand/Renovate Richfield Lab, plus \$39,403. 33653

Reappropriations

Section 235.60. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			33654
CAP-010	Capitol Rotunda Renovations	\$ 1,607,515	33655
CAP-015	Sound System Upgrades	\$ 136,118	33656
Total Capitol Square Review and Advisory Board		\$ 1,743,633	33657

Reappropriations

Section 235.70. EXP EXPOSITIONS COMMISSION			33659
CAP-037	Electric and Lighting Upgrade	\$ 2,400,000	33660
CAP-046	Land Acquisition	\$ 5,240	33661
CAP-056	Building Renovations - 2	\$ 1,609,813	33662
CAP-057	HVAC Planning	\$ 2,001	33663
CAP-063	Facility Improvements and Modernization Plan	\$ 131,771	33664
CAP-064	Replacement of Water Lines	\$ 16,209	33665
CAP-068	Masonry Renovations	\$ 59,824	33666
CAP-069	Restroom Renovations	\$ 9,559	33667
CAP-072	Emergency Renovations and Equipment Replacement	\$ 783,523	33668
Total Expositions Commission		\$ 5,017,940	33669

FACILITY IMPROVEMENTS AND MODERNIZATION PLAN 33670

The amount reappropriated for the foregoing appropriation 33671
item CAP-063, Facility Improvements and Modernization Plan, is the 33672
unencumbered and unallotted balance as of June 30, 2006, in 33673
appropriation item CAP-063, Facility Improvements and 33674
Modernization Plan, plus \$131,771. 33675

Reappropriations

Section 235.80. DNR DEPARTMENT OF NATURAL RESOURCES			33676
CAP-741	High Band Radio System	\$ 107,336	33677
CAP-742	Fountain Square Building and Telephone System Improvements	\$ 1,403,088	33678

CAP-744	Multi-Agency Radio Communications Equipment	\$	2,412,559	33679
CAP-747	DNR Fairgrounds Areas Upgrading	\$	500,000	33680
CAP-867	Reclamation Facility Renovation and Development	\$	225,000	33681
CAP-928	Handicapped Accessibility	\$	39,654	33682
CAP-934	District Office Renovations and Development	\$	761,147	33683
Total Department of Natural Resources		\$	5,448,784	33684

Reappropriations

Section 235.90. DHS DEPARTMENT OF PUBLIC SAFETY				33686
CAP-053	Construct EMA/EOC and Office Building	\$	6,605	33687
CAP-054	Multi-Agency Radio Communications System	\$	587,511	33688
CAP-067	VHF Radio System Improvements	\$	224,464	33689
CAP-078	Upgrade/Replacement - State EOC Equipment	\$	950,762	33690
CAP-081	National Weather Radio Coverage	\$	162,900	33691
Total Department of Public Safety		\$	1,932,242	33692

Reappropriations

Section 236.10. OSB SCHOOL FOR THE BLIND				33694
CAP-728	New School Lighting	\$	184,500	33695
CAP-745	Roof Improvements on the School and Cottage	\$	164,186	33696
CAP-751	Upgrade Fire Alarm System	\$	73,192	33697
CAP-757	Bathroom Handicapped Accessibility	\$	20,956	33698
CAP-764	Electric System Improvements	\$	29,774	33699
CAP-772	Boiler Replacement	\$	233,240	33700
CAP-774	Glass Windows/East Wall of Natatorium	\$	63,726	33701
CAP-775	Renovation of Science Lab Greenhouse	\$	58,850	33702
CAP-776	Renovating Recreation Area	\$	213,900	33703
CAP-777	New Classrooms/Secondary MH Program	\$	880,407	33704

CAP-778	Renovation of Student Health Service Area	\$	144,375	33705
CAP-779	Replacement of Cottage Windows	\$	208,725	33706
CAP-780	Residential Renovations	\$	7,043	33707
CAP-781	Food Prep Area/Air Conditioning	\$	67,250	33708
Total Ohio School for the Blind		\$	2,350,124	33709

Reappropriations

Section 236.20. OSD SCHOOL FOR THE DEAF				33711
CAP-776	Dormitory Renovations	\$	2,833	33712
CAP-777	Boilers, Blowers, Central School Complex	\$	748,144	33713
CAP-778	Central Warehouse	\$	676,624	33714
CAP-779	Storage Barn	\$	330,850	33715
Total Ohio School for the Deaf		\$	1,758,451	33716
Total Administrative Building Fund		\$	101,079,856	33717

Section 239.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Adult Correctional Building Fund (Fund 027) that are not otherwise appropriated:

Reappropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION				33723
STATEWIDE AND CENTRAL OFFICE PROJECTS				33724
CAP-002	Local Jails	\$	1,852,736	33725
CAP-003	Community-Based Correctional Facilities	\$	10,119,077	33726
CAP-004	Site Renovations	\$	618,891	33727
CAP-007	Asbestos Removal	\$	380,624	33728
CAP-008	Powerhouse/Utility Improvements	\$	2,507,048	33729
CAP-009	Water System/Plant Improvements	\$	4,613,277	33730
CAP-010	Industrial Equipment - Statewide	\$	373,291	33731
CAP-011	Roof/Window Renovations - Statewide	\$	601,320	33732
CAP-012	Shower/Restroom Improvements	\$	1,142,680	33733
CAP-017	Security Improvements - Statewide	\$	7,583,533	33734

CAP-026	Waste Water Treatment Facilities	\$	41,087	33735
CAP-041	Community Residential Program	\$	5,566,687	33736
CAP-109	Statewide Fire Alarm Systems	\$	69,080	33737
CAP-111	General Building Renovations	\$	33,465,948	33738
CAP-129	Water Treatment Plants - Statewide	\$	651,500	33739
CAP-141	Multi-Agency Radio System Equipment	\$	835,604	33740
CAP-142	Various Medical Services	\$	755,818	33741
CAP-143	Perimeter, Lighting, Alarm, Sallyports	\$	659,236	33742
CAP-186	Close Custody Prison and Camp	\$	5,000,000	33743
CAP-187	Mandown Alert Communication System - Statewide	\$	3,172,907	33744
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300	33745
CAP-189	Tuck-pointing - Statewide	\$	27,754	33746
CAP-238	Electrical Systems Upgrades	\$	175,025	33747
CAP-239	Emergency Projects	\$	1,532,617	33748
CAP-240	State Match for Federal Prison Construction Funds	\$	1,625,319	33749
CAP-302	OPI Shops Renovation - Statewide	\$	75,000	33750
Total Statewide and Central Office Projects				\$ 83,605,359 33751
BELMONT CORRECTIONAL INSTITUTION				33752
CAP-358	Soft Start Capacitors	\$	28,928	33753
Total Belmont Correctional Institution				\$ 28,928 33754
CHILLICOTHE CORRECTIONAL INSTITUTION				33755
CAP-177	Convert Warehouse to Dormitory	\$	596	33756
CAP-190	Utility Improvements	\$	117,500	33757
CAP-258	Sewer Upgrades	\$	267,092	33758
Total Chillicothe Correctional Institution				\$ 385,188 33759
CORRECTIONAL RECEPTION CENTER				33760
CAP-333	HVAC Upgrade - CRC	\$	1,500	33761
CAP-334	Roof Renovation - CRC	\$	705	33762
Total Correctional Reception Center				\$ 2,205 33763
CORRECTIONS MEDICAL CENTER				33764

CAP-362	Parking Lot Improvements	\$	80,895	33765
Total Corrections Medical Center		\$	80,895	33766
CORRECTIONS TRAINING ACADEMY				33767
CAP-342	Asbestos Abatement/HVAC Upgrade - CTA	\$	913,710	33768
Total Corrections Training Academy		\$	913,710	33769
DAYTON CORRECTIONAL INSTITUTION				33770
CAP-195	Hot Water System Improvements - DCI	\$	400,000	33771
CAP-242	Shower Renovations - DCI	\$	58,929	33772
CAP-352	Site Drainage Improvement	\$	3,500	33773
Total Dayton Correctional Institution		\$	462,429	33774
FRANKLIN PRE-RELEASE CENTER				33775
CAP-316	Roof Renovation - FPRC	\$	1,200	33776
Total Franklin Pre-Release Center		\$	1,200	33777
GRAFTON CORRECTIONAL INSTITUTION				33778
CAP-339	Residential Treatment Unit - ADD - GCI	\$	1,500	33779
CAP-359	Roof Replacement - GCI	\$	918,916	33780
Total Grafton Correctional Institution		\$	920,416	33781
LEBANON CORRECTIONAL INSTITUTION				33782
CAP-118	Water Tower Renovations	\$	1,174	33783
CAP-119	Masonry Improvements - LECI	\$	3,063	33784
CAP-198	Water Treatment Plant - LECI	\$	1,269,008	33785
CAP-285	Bar Screen Replacement	\$	1,203	33786
CAP-332	Electric Distribution and Transformer	\$	101,000	33787
CAP-361	Dietary Floor Renovation	\$	18,040	33788
Total Lebanon Correctional Institution		\$	1,393,488	33789
LONDON CORRECTIONAL INSTITUTION				33790
CAP-245	Bridge Replacement - LOCI	\$	2,865	33791
CAP-261	Roof Replacement	\$	1,028	33792
CAP-308	Electric Upgrades - LOCI	\$	250,000	33793
Total London Correctional Institution		\$	253,893	33794
LORAIN CORRECTIONAL INSTITUTION				33795
CAP-303	Auger Replacement - LLORCL	\$	500	33796
CAP-348	Door and Lock Replacement - LRCI	\$	1,500	33797

CAP-353	Roof Renovations - LRCI	\$	15,000	33798
Total Lorain Correctional Institution		\$	17,000	33799
MADISON CORRECTIONAL INSTITUTION				33800
CAP-288	Water Softener System - Madison	\$	1,500	33801
Total Madison Correctional Institution		\$	1,500	33802
MANSFIELD CORRECTIONAL INSTITUTION				33803
CAP-305	Site Improvements - MNCI	\$	314,375	33804
CAP-307	Network Wiring - MNCI	\$	155,073	33805
CAP-356	Security Fence Upgrade - MNCI	\$	456,537	33806
Total Mansfield Correctional Institution		\$	925,985	33807
MARION CORRECTIONAL INSTITUTION				33808
CAP-208	Hot Water Tank Replacement	\$	151,750	33809
CAP-246	Exterior Window Replacement - MCI	\$	1,075	33810
CAP-329	Concrete Floor Replacement - MCI	\$	866	33811
Total Marion Correctional Institution		\$	153,691	33812
OHIO REFORMATORY FOR WOMEN				33813
CAP-165	Master Plan Building/Renovations - ORW	\$	59,585	33814
CAP-210	Replacement Dormitory - ORW	\$	772,090	33815
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000	33816
CAP-267	Renovate ARN Dorms	\$	761	33817
CAP-326	Control Center Expansion - ORW	\$	1,500	33818
CAP-327	Roof Replacement - ORW	\$	168,852	33819
Total Ohio Reformatory for Women		\$	2,252,788	33820
OHIO STATE PENITENTIARY				33821
CAP-363	Fence Security Systms - OSP	\$	12,700	33822
Total Ohio State Penitentiary		\$	12,700	33823
PICKAWAY CORRECTIONAL INSTITUTION				33824
CAP-228	Power House Improvements	\$	1,000	33825
CAP-274	Replacement of Segregation Housing	\$	4,806,750	33826
CAP-312	Waste Water Treatment Plant	\$	6,767,175	33827
CAP-357	Emergency Generator Repair - PCI	\$	1,080,993	33828
Total Pickaway Correctional Institution		\$	12,655,918	33829
RICHLAND CORRECTIONAL INSTITUTION				33830

CAP-360	Dormitory Exterior Stairs - RIC1	\$	271,278	33831
Total Richland Correctional Institution		\$	271,278	33832
ROSS CORRECTIONAL INSTITUTION				33833
CAP-276	Rubberized Roof Replacement	\$	38,863	33834
CAP-311	Water Tower Renovation - RCI	\$	1,600	33835
CAP-331	Security Upgrades and Improvements	\$	76,600	33836
Total Ross Correctional Institution		\$	117,063	33837
SOUTHEASTERN CORRECTIONAL INSTITUTION				33838
CAP-167	Master Plan Building/Renovations - SCI	\$	8,569	33839
CAP-336	Waste Water Treatment Plant Improvements	\$	421,952	33840
- SCI				
Total Southeastern Correctional Institution		\$	430,521	33841
SOUTHERN OHIO CORRECTIONAL FACILITY				33842
CAP-279	Powerhouse Domestic Hot Water	\$	150,664	33843
Replacement				
Total Southern Ohio Correctional Facility		\$	150,664	33844
TOTAL Department of Rehabilitation and Correction		\$	105,036,819	33845
TOTAL Adult Correctional Building Fund		\$	105,036,819	33846

Section 239.20. LOCAL JAILS 33848

From the foregoing appropriation item, CAP-002, Local Jails, 33849
the Department of Rehabilitation and Correction shall designate 33850
the projects involving the construction and renovation of county, 33851
multicounty, municipal-county, and multicounty-municipal jail 33852
facilities and workhouses, including correctional centers 33853
authorized under sections 153.61 and 307.93 of the Revised Code, 33854
for which the Ohio Building Authority is authorized to issue 33855
obligations. Notwithstanding any provisions to the contrary in 33856
Chapter 152. or 153. of the Revised Code, the Department of 33857
Rehabilitation and Correction may coordinate, review, and monitor 33858
the drawdown and use of funds for the renovation or construction 33859
of projects for which designated funds are provided. 33860

The funding authorized under this section shall not be 33861
applied to any such facilities that are not designated by the 33862
Department of Rehabilitation and Correction. The amount of funding 33863
authorized under this section that may be applied to a project 33864
designated for initial funding after July 1, 2000, involving the 33865
construction or renovation of a county, multicounty, 33866
municipal-county, and multicounty-municipal jail facilities and 33867
workhouses, including correctional centers authorized under 33868
sections 153.61 and 307.93 of the Revised Code, shall not exceed 33869
\$35,000 per bed of the total allowable cost of the project in the 33870
case of construction of county and municipal-county jail 33871
facilities, workhouses, and correctional centers, or multicounty 33872
or multicounty-municipal jail facilities, workhouses, and 33873
correctional centers and shall not exceed 30 per cent of the total 33874
allowable cost of the project in the case of renovation of county, 33875
multicounty, municipal-county, and multicounty-municipal jail 33876
facilities, workhouses, and correctional centers. If a political 33877
subdivision is in the planning phase of constructing a multicounty 33878
or multicounty-municipal jail facility, workhouse, or correctional 33879
center on or before the effective date of this section, the 33880
Department of Rehabilitation and Correction shall fund that 33881
facility at \$42,000 per bed. Multicounty or multicounty-municipal 33882
jail facility construction projects initiated after the effective 33883
date of this section may be considered for, but are not entitled 33884
to be awarded, funding at \$42,000 per bed. The higher per bed 33885
award is at the discretion of the Department of Rehabilitation and 33886
Correction and is contingent upon available funds, the impact of 33887
the project, and inclusion of at least three counties in the 33888
project. 33889

The cost-per-bed funding authorized under this section that 33890
may be applied to a construction project shall not exceed the 33891
actual cost-per-bed of the project. The 30 per cent funding 33892

authorized under this section that may be applied to a renovation 33893
project shall not exceed \$35,000 per bed of the total allowable 33894
cost of the project. 33895

The funding authorized under this section shall not be 33896
applied to any project involving the construction of a county, 33897
multicounty, municipal-county, or multicounty-municipal jail 33898
facility or workhouse, including a correctional center established 33899
under sections 153.61 and 307.93 of the Revised Code, unless the 33900
facility, workhouse, or correctional center will be built in 33901
compliance with "The Minimum Standards for Jails in Ohio" and the 33902
plans have been approved under section 5120.10 of the Revised 33903
Code. In addition, the funding authorized under this section shall 33904
not be applied to any project involving the renovation of a 33905
county, multicounty, municipal-county, or multicounty-municipal 33906
jail facility or workhouse, including a correctional center 33907
established under sections 153.61 and 307.93 of the Revised Code, 33908
unless the renovation is for the purpose of bringing the facility, 33909
workhouse, or correctional center into compliance with "The 33910
Minimum Standards for Jails in Ohio" and the plans have been 33911
approved under section 5120.10 of the Revised Code. 33912

Section 239.30. COMMUNITY-BASED CORRECTIONAL FACILITIES 33913

The Department of Rehabilitation and Correction may designate 33914
to the Ohio Building Authority the sites of, and, notwithstanding 33915
any provisions to the contrary in Chapter 152. or 153. of the 33916
Revised Code, may review the renovation or construction of the 33917
single county and district community-based correctional facilities 33918
funded by the foregoing appropriation item CAP-003, 33919
Community-Based Correctional Facilities. 33920

Section 239.40. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 33921

The foregoing appropriation item CAP-041, Community 33922

Residential Program, may be used by the Department of 33923
 Rehabilitation and Correction, under sections 5120.103, 5120.104, 33924
 and 5120.105 of the Revised Code, to provide for the construction 33925
 or renovation of halfway house facilities for offenders eligible 33926
 for community supervision by the Department of Rehabilitation and 33927
 Correction. 33928

Section 241.10. All items set forth in this section are 33929
 hereby appropriated out of any moneys in the state treasury to the 33930
 credit of the Juvenile Correctional Building Fund (Fund 028) that 33931
 are not otherwise appropriated: 33932

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES

			33933
CAP-801	Fire Suppression/Safety/Security	\$ 2,400,980	33934
CAP-803	General Institutional Renovations	\$ 5,638,025	33935
CAP-812	Community Rehabilitation Centers	\$ 151,991	33936
CAP-821	Construct Maximum Security Facility	\$ 134,795	33937
CAP-823	Cuyahoga Boys School Renovation and Expansion	\$ 42,198	33938
CAP-828	Multi-Agency Radio System Equipment	\$ 61,539	33939
CAP-829	Local Juvenile Detention Centers	\$ 692,623	33940
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$ 145,546	33941
CAP-833	Security Renovations - Indian River	\$ 5,340	33942
CAP-834	Health and Safety Unit - Riverview	\$ 196,092	33943
CAP-837	Sanitary Safety/Renovations Indian River	\$ 1,400,756	33944
CAP-838	EDU and Programming Expansion - ORV	\$ 1,400,000	33945
	Total Department of Youth Services	\$ 12,269,885	33946
	TOTAL Juvenile Correctional Building Fund	\$ 12,269,885	33947

Section 241.20. COMMUNITY REHABILITATION CENTERS 33949

From the foregoing appropriation item CAP-812, Community 33950

Rehabilitation Centers, the Department of Youth Services shall 33951
designate the projects involving the construction and renovation 33952
of single county and multicounty community corrections facilities 33953
for which the Ohio Building Authority is authorized to issue 33954
obligations. 33955

The Department of Youth Services is authorized to review and 33956
approve the renovation and construction of projects for which 33957
funds are provided. The proceeds of any obligations authorized 33958
under this section shall not be applied to any such facilities 33959
that are not designated and approved by the Department of Youth 33960
Services. 33961

The Department of Youth Services shall adopt guidelines to 33962
accept and review applications and designate projects. The 33963
guidelines shall require the county or counties to justify the 33964
need for the facility and to comply with timelines for the 33965
submission of documentation pertaining to the site, program, and 33966
construction. 33967

For purposes of this section, "community corrections 33968
facilities" has the same meaning as in section 5139.36 of the 33969
Revised Code. 33970

Section 241.30. LOCAL JUVENILE DETENTION CENTERS 33971

From the foregoing appropriation item CAP-829, Local Juvenile 33972
Detention Centers, the Department of Youth Services shall 33973
designate the projects involving the construction and renovation 33974
of county and multicounty juvenile detention centers for which the 33975
Ohio Building Authority is authorized to issue obligations. 33976

The Department of Youth Services is authorized to review and 33977
approve the renovation and construction of projects for which 33978
funds are provided. The proceeds of any obligations authorized 33979
under this section shall not be applied to any such facilities 33980

that are not designated by the Department of Youth Services. 33981

The Department of Youth Services shall comply with the 33982
guidelines set forth in this section, accept and review 33983
applications, designate projects, and determine the amount of 33984
state match funding to be applied to each project. The department 33985
shall, with the advice of the county or counties participating in 33986
a project, determine the funded design capacity of the detention 33987
centers that are designated to receive funding. Notwithstanding 33988
any provisions to the contrary contained in Chapter 152. or 153. 33989
of the Revised Code, the Department of Youth Services may 33990
coordinate, review, and monitor the drawdown and use of funds for 33991
the renovation and construction of projects for which designated 33992
funds are provided. 33993

(A) The Department of Youth Services shall develop a weighted 33994
numerical formula to determine the amount, if any, of state match 33995
that may be provided to a single or multicounty detention center 33996
project. The formula shall include the factors specified below in 33997
division (A)(1) of this section and may include the factors 33998
specified below in division (A)(2) of this section. The weight 33999
assigned to the factors specified in division (A)(1) of this 34000
section shall be not less than twice the weight assigned to 34001
factors specified in division (A)(2) of this section. 34002

(1)(a) The number of detention center beds needed in the 34003
county or group of counties, as estimated by the Department of 34004
Youth Services, is significantly more than the number of beds 34005
currently available; 34006

(b) Any existing detention center in the county or group of 34007
counties does not meet health, safety, or security standards for 34008
detention centers as established by the Department of Youth 34009
Services; 34010

(c) The Department of Youth Services projects that the county 34011

or group of counties have a need for a sufficient number of 34012
detention beds to make the project economically viable. 34013

(2)(a) The percentage of children in the county or group of 34014
counties living below the poverty level is above the state 34015
average; 34016

(b) The per capita income in the county or group of counties 34017
is below the state average. 34018

(B) The formula developed by the Department of Youth Services 34019
shall yield a percentage of state match ranging from 0 to 60 per 34020
cent based on the above factors. Notwithstanding the foregoing 34021
provisions, if a single county or multicounty system currently has 34022
no detention center beds, or if the projected need for detention 34023
center beds as estimated by the Department of Youth Services is 34024
greater than 120 per cent of current detention center bed 34025
capacity, then the percentage of state match shall be 60 per cent. 34026
To determine the dollar amount of the state match for new 34027
construction projects, the percentage of state match is multiplied 34028
by \$125,000 per bed for detention centers with a designated 34029
capacity of 99 beds or less, and by \$130,000 per bed for detention 34030
centers with a design capacity of 100 beds or more. To determine 34031
the dollar amount of the state match for renovation projects the 34032
percentage match shall be multiplied by the actual cost of the 34033
renovation, provided that the cost of the renovation does not 34034
exceed \$100,000 per bed. The funding authorized under this section 34035
that may be applied to a construction or renovation project shall 34036
not exceed the actual cost of the project. 34037

The funding authorized under this section shall not be 34038
applied to any project unless the detention center will be built 34039
in compliance with health, safety, and security standards for 34040
detention centers as established by the Department of Youth 34041
Services. In addition, the funding authorized under this section 34042

shall not be applied to the renovation of a detention center 34043
 unless the renovation is for the purpose of increasing the number 34044
 of beds in the center, or to meet health, safety, or security 34045
 standards for detention centers as established by the Department 34046
 of Youth Services. 34047

Section 243.10. All items set forth in this section are 34048
 hereby appropriated out of any moneys in the state treasury to the 34049
 credit of the Cultural and Sports Facilities Building Fund (Fund 34050
 030) that are not otherwise appropriated: 34051

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 34052

CAP-003	Center of Science and Industry - Toledo	\$	7,542	34053
CAP-033	Woodward Opera House Renovation	\$	1,150,000	34054
CAP-038	Center Exhibit Replacement	\$	816,000	34055
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	34056
CAP-043	Statewide Site Repairs	\$	200,100	34057
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	34058
CAP-053	Powers Auditorium Improvements	\$	250,000	34059
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	34060
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	34061
CAP-064	Bramley Historic House	\$	75,000	34062
CAP-065	Beck Center for the Cultural Arts	\$	100,000	34063
CAP-066	Delaware County Cultural Arts Center	\$	40,000	34064
CAP-071	Cleveland Institute of Music	\$	1,500,000	34065
CAP-072	West Side Arts Consortium	\$	138,000	34066
CAP-073	Ice Arena Development	\$	5,500,000	34067
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	34068
CAP-075	McKinley Museum Improvements	\$	125,000	34069
CAP-076	Spring Hill Historic Home	\$	125,000	34070
CAP-079	Lorain Palace Civic Theatre	\$	200,000	34071

CAP-080	Great Lakes Historical Society	\$	150,000	34072
CAP-745	Historic Sites and Museums	\$	604,453	34073
CAP-753	Buffington Island State Memorial	\$	73,500	34074
CAP-769	Rankin House State Memorial	\$	192,000	34075
CAP-781	Historical Center Archives/Library	\$	624,000	34076
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	34077
CAP-789	Neil Armstrong Air and Space Museum	\$	103,516	34078
	Improvements			
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	34079
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	34080
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	34081
CAP-821	Lorain County Historical Society	\$	300,000	34082
CAP-822	Armory Youth Center	\$	40,000	34083
CAP-823	Marion Palace Theatre	\$	1,575,000	34084
CAP-824	McConnellsville Opera House	\$	75,000	34085
CAP-825	Secrest Auditorium	\$	75,000	34086
CAP-826	Renaissance Theatre	\$	700,000	34087
CAP-827	Trumpet in the Land	\$	100,000	34088
CAP-829	Mid-Ohio Valley Players	\$	80,000	34089
CAP-830	The Anchorage	\$	50,000	34090
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	34091
CAP-835	Jamestown Opera House	\$	125,000	34092
CAP-837	Lake County Historical Society	\$	250,000	34093
CAP-839	Hancock Historical Society	\$	75,000	34094
CAP-840	Riversouth Development	\$	1,000,000	34095
CAP-841	Ft. Piqua Hotel	\$	200,000	34096
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	34097
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	34098
CAP-845	Lima Historic Athletic Field	\$	100,000	34099

CAP-846	Butler Palace Theatre	\$	200,000	34100
CAP-847	Voice Of America Museum	\$	275,000	34101
CAP-848	Oxford Arts Center ADA Project	\$	72,000	34102
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	34103
CAP-850	Westcott House Historic Site	\$	75,000	34104
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	34105
CAP-852	Miami Township Community Amphitheatre	\$	50,000	34106
CAP-853	Western Reserve Historical Society	\$	1,000,000	34107
CAP-854	Steamship Mather Museum	\$	100,000	34108
CAP-855	Rock and Roll Hall of Fame	\$	250,000	34109
CAP-858	Strongsville Historic Building	\$	100,000	34110
CAP-859	Arts Castle	\$	100,000	34111
CAP-860	Great Lakes Historical Society	\$	325,000	34112
CAP-861	Ohio Glass Museum	\$	250,000	34113
CAP-863	Ariel Theatre	\$	100,000	34114
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	34115
CAP-867	Ensemble Theatre	\$	450,000	34116
CAP-868	Taft Museum	\$	500,000	34117
CAP-869	Art Academy of Cincinnati	\$	100,000	34118
CAP-870	Riverbend Pavilion Improvements	\$	250,000	34119
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	34120
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	34121
CAP-873	John Bloomfield Home Restoration	\$	115,000	34122
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	34123
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	34124
CAP-876	Art Deco Markay Theatre	\$	200,000	34125
CAP-877	Harvey Wells House	\$	100,000	34126
CAP-879	Broad Street Historical Renovation	\$	300,000	34127
CAP-880	Amherst Historical Society	\$	35,000	34128

CAP-881	COSI - Toledo	\$	1,580,000	34129
CAP-882	Ohio Theatre - Toledo	\$	100,000	34130
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	34131
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	34132
CAP-885	Montgomery County Historical Society Archives	\$	100,000	34133
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	34134
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	34135
CAP-888	Preble County Historical Society	\$	100,000	34136
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	34137
CAP-890	Pro Football Hall of Fame	\$	400,000	34138
CAP-891	Maps Air Museum	\$	15,000	34139
CAP-892	Foundation Community Theatre	\$	50,000	34140
CAP-893	William McKinley Library Restoration	\$	250,000	34141
CAP-896	Richard Howe House	\$	100,000	34142
CAP-897	Ward-Thomas Museum	\$	30,000	34143
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000	34144
CAP-899	Holland Theatre	\$	100,000	34145
CAP-900	Van Wert Historical Society	\$	32,000	34146
CAP-901	Warren County Historical Society	\$	225,000	34147
CAP-902	Marietta Colony Theatre	\$	335,000	34148
CAP-903	West Salem Village Opera House	\$	92,000	34149
CAP-904	Beavercreek Community Theater	\$	100,000	34150
CAP-905	Smith Orr Homestead	\$	100,000	34151
	Total Cultural Facilities Commission	\$	39,831,048	34152
	TOTAL Cultural and Sports Facilities Building Fund	\$	39,831,048	34153

ICE ARENA DEVELOPMENT 34154

The amount reappropriated for the foregoing appropriation 34155
item CAP-073, Ice Arena Development, is the unencumbered and 34156
unallotted balance, as of June 30, 2006, in appropriation item 34157
CAP-073, Ice Arena Development, which prior to July 1, 2006, was 34158
named "Marina District/Ice Arena Development," plus \$2,000,000. 34159

Notwithstanding any provision of law to the contrary, on July 1, 2006, or as soon thereafter as possible, the Director of Budget and Management shall transfer \$2,000,000 from CAP-843, Marina District Amphitheatre and Related Development, which prior to July 1, 2006, was named "Marina District/Ice Arena Development," to CAP-073, Ice Arena Development.

The foregoing appropriation item CAP-073, Ice Arena Development, shall be used by the City of Toledo for the development of an ice arena in the City of Toledo.

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 34169

The amount reappropriated for the foregoing appropriation item CAP-843, Marina District Amphitheatre and Related Development, is the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-843, Marina District Amphitheatre and Related Development, which prior to July 1, 2006, was named "Marina District/Ice Arena Development," minus \$2,000,000.

The foregoing appropriation item CAP-843, Marina District Amphitheatre and Related Development, shall be used by the City of Toledo for the development of an amphitheatre and related developments in the Marina District of Toledo.

PACKARD MUSIC HALL RENOVATIONS PROJECT 34181

The amount reappropriated for the foregoing appropriation item CAP-898, Packard Music Hall Renovation Project, is the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-898, Packard Music Hall Renovation Project, plus \$975,000 of the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-063, Robins Theatre Renovations.

Section 245.10. All items set forth in this section are 34189

hereby appropriated out of any moneys in the state treasury to the		34190
credit of the Ohio Parks and Natural Resources Fund (Fund 031)		34191
that are not otherwise appropriated:		34192
	Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES		34193
STATEWIDE AND LOCAL PROJECTS		34194
CAP-012 Land Acquisition	\$ 1,708,039	34195
CAP-024 Statewide Boundary and Miscellaneous Surveying	\$ 43,895	34196
CAP-702 Upgrade Underground Fuel Storage Tanks	\$ 520,050	34197
CAP-703 Cap Abandoned Water Wells	\$ 69,123	34198
CAP-748 Local Parks Projects - Statewide	\$ 2,091,973	34199
CAP-750 Quilter CCC Camp	\$ 46,400	34200
CAP-751 City of Portsmouth Launch Ramp	\$ 1,800	34201
CAP-753 Project Planning	\$ 1,791,151	34202
CAP-766 South Fork Licking Watershed Study	\$ 2,469	34203
CAP-768 Grand River Wildlife Area	\$ 2,700	34204
CAP-817 Riffe CCC Camp	\$ 1,709	34205
CAP-834 Appraisal Fees - Statewide	\$ 79,615	34206
CAP-835 Civilian Conservation Facilities	\$ 346,280	34207
CAP-844 Put-In-Bay Township Port Authority	\$ 79,784	34208
CAP-868 New Philadelphia Office Relocation	\$ 1,500,000	34209
CAP-874 Lake Erie Access	\$ 5,070	34210
CAP-876 Statewide Trails Program	\$ 963	34211
CAP-881 Dam Rehabilitation	\$ 18,554,846	34212
CAP-928 Handicapped Accessibility	\$ 77,950	34213
CAP-929 Hazardous Waste/Asbestos Abatement	\$ 57,361	34214
CAP-931 Wastewater/Water Systems Upgrades	\$ 5,406,599	34215
CAP-934 Operations Facilities Development	\$ 354,291	34216
CAP-995 Boundary Protection	\$ 32,426	34217
CAP-999 Geographic Information Management System	\$ 62,650	34218
Total Statewide and Local Projects	\$ 32,837,144	34219

	DIVISION OF FORESTRY		34220
CAP-021	Mohican State Forest	\$ 1,200	34221
CAP-030	Shawnee State Forest	\$ 1,300	34222
CAP-071	Statewide Forestry Facility Improvements	\$ 277,620	34223
CAP-073	Brush Creek State Forest	\$ 5,850	34224
CAP-129	Zanesville Nursery	\$ 9,500	34225
CAP-841	Operations and Maintenance Facility	\$ 450,548	34226
	Development and Renovation		
	Total Division of Forestry	\$ 746,018	34227
	DIVISION OF NATURAL AREAS AND PRESERVES		34228
CAP-006	Little Beaver Creek Nature Preserve	\$ 1,500	34229
CAP-826	Natural Areas and Preserves	\$ 482,556	34230
	Maintenance/Facility Development		
CAP-831	Lake Katherine	\$ 17,299	34231
CAP-980	Old Woman Creek	\$ 2,969	34232
	Total Division of Natural Areas	\$ 504,324	34233
	DIVISION OF PARKS AND RECREATION		34234
CAP-003	Barkcamp State Park	\$ 3,025	34235
CAP-004	Burr Oak State Park	\$ 7,400	34236
CAP-005	Cowan Lake State Park	\$ 9,337	34237
CAP-010	East Harbor State Park	\$ 38,129	34238
CAP-016	Hueston Woods State Park	\$ 7,300	34239
CAP-017	Indian Lake State Park	\$ 2,569	34240
CAP-019	Lake Hope State Park	\$ 22,695	34241
CAP-022	Muskingum River Lock #2	\$ 20,000	34242
CAP-025	Punderson Lake State Park	\$ 5,997	34243
CAP-027	Rocky Fork State Park	\$ 28,212	34244
CAP-029	Salt Fork State Park	\$ 1,017	34245
CAP-032	West Branch State Park	\$ 3,243	34246
CAP-051	Buck Creek State Park	\$ 25,500	34247
CAP-060	East Fork State Park	\$ 51,942	34248
CAP-064	Geneva State Park	\$ 5,838	34249
CAP-068	Kennedy Stone House	\$ 15,000	34250

CAP-069	Hocking Hills State Park	\$	11,725	34251
CAP-081	Jackson Lake State Park	\$	19,416	34252
CAP-083	John Bryan State Park Shelter	\$	30,000	34253
	Construction			
CAP-084	Findley State Park General Improvements	\$	12,500	34254
CAP-089	Mosquito Lake State Park	\$	28,000	34255
CAP-093	Portage Lakes State Park	\$	129,944	34256
CAP-114	Beaver Creek State Park	\$	12,000	34257
CAP-222	Wolf Run State Park	\$	21,787	34258
CAP-234	State Parks, Campgrounds, Lodges, and	\$	1,666,051	34259
	Cabins			
CAP-305	Maumee Bay State Park	\$	900	34260
CAP-331	Park Boating Facilities	\$	5,226,013	34261
CAP-390	State Park Maintenance/Facility	\$	1,484,882	34262
	Development			
CAP-716	Muskingum River Parkway Locks	\$	7,116	34263
CAP-815	Mary Jane Thurston State Park	\$	2,200	34264
CAP-825	Marblehead Lighthouse State Park	\$	564	34265
CAP-829	Sycamore State Park	\$	500	34266
CAP-836	State Park Renovations/Upgrading	\$	709,026	34267
CAP-851	Cleveland Lakefront	\$	146,371	34268
CAP-916	Lake Milton State Park	\$	5,882	34269
CAP-949	Muskingum Lock #3	\$	3,700	34270
CAP-954	Muskingum Lock #4	\$	93,942	34271
	Total Division of Parks and Recreation	\$	9,859,723	34272
	DIVISION OF SOIL AND WATER CONSERVATION			34273
CAP-086	Scippo Creek Conservation	\$	75,000	34274
	Total Division of Soil and Water Conservation	\$	75,000	34275
	DIVISION OF WATER			34276
CAP-705	Rehabilitate Canals, Hydraulic Works,	\$	2,867,787	34277
	and Support Facilities			
CAP-730	Miami and Erie Canal	\$	700	34278
CAP-819	Rehabilitate/Automate - Ohio Ground	\$	68,383	34279

	Water Observation Well Network			
CAP-820	Automated Stream, Lake, and Ground Water	\$	509,396	34280
	Data Collection			
CAP-828	Ohio and Erie Canal Rehabilitation	\$	205,572	34281
CAP-848	Hazardous Dam Repair - Statewide	\$	220,000	34282
	Total Division of Water	\$	3,871,838	34283
	TOTAL Department of Natural Resources	\$	47,894,047	34284
	TOTAL OHIO PARKS AND NATURAL RESOURCES FUND	\$	47,894,047	34285

Section 245.20. MOSQUITO LAKE STATE PARK 34287

The amount reappropriated for the foregoing appropriation 34288
item CAP-089, Mosquito Lake State Park, is the unencumbered and 34289
unallotted balance, as of June 30, 2006, in appropriation item 34290
CAP-089, Mosquito Lake State Park, plus \$25,000 of the 34291
unencumbered and unallotted balance, as of June 30, 2006, in 34292
appropriation item CAP-063, Robins Theatre Renovations, in the 34293
Cultural and Sports Facilities Building Fund (Fund 030). 34294

Of the foregoing appropriation item CAP-089, Mosquito Lake 34295
State Park, up to \$25,000 shall be used to conduct a state park 34296
lodge feasibility study. 34297

LOCAL PARKS PROJECTS - STATEWIDE 34298

The amount reappropriated for the foregoing appropriation 34299
item CAP-748, Local Parks Projects - Statewide, is \$1,573,564 plus 34300
the unencumbered and unallotted balance as of June 30, 2006, in 34301
item CAP-748, Local Parks Projects - Statewide, plus the 34302
unencumbered and unallotted balance as of June 30, 2006, in item 34303
CAP-862, Goll Wood Homestead in the Cultural and Sports Facilities 34304
Building Fund (Fund 030). The \$1,573,564 represents amounts that 34305
were previously appropriated, allocated to counties pursuant to 34306
division (D) of section 1557.06 of the Revised Code, and 34307
encumbered for local project grants. The encumbrances for these 34308
local projects in the various counties shall be canceled by the 34309

Director of Natural Resources or the Director of Budget and 34310
Management. The Director of Natural Resources shall allocate the 34311
\$1,573,564 to the same counties the moneys were originally 34312
allocated to, in the amount of the canceled encumbrances. 34313

GOLL WOOD HOMESTEAD 34314

Of the foregoing appropriation item CAP-748, Local Parks 34315
Projects - Statewide, \$50,000 shall be used for the Goll Wood 34316
Homestead. 34317

DAM REHABILITATION 34318

Of the foregoing appropriation item CAP-881, Dam 34319
Rehabilitation, up to \$970,000 shall be used to rehabilitate the 34320
Muskingum River Locks and Dams. 34321

Section 245.30. For the projects appropriated in Section 34322
245.10 of this act, the Ohio Department of Natural Resources shall 34323
periodically prepare and submit to the Director of Budget and 34324
Management the estimated design, planning, and engineering costs 34325
of capital-related work to be done by the Department of Natural 34326
Resources for each project. Based on the estimates, the Director 34327
of Budget and Management may release appropriations from the 34328
foregoing appropriation item CAP-753, Project Planning, within the 34329
Ohio Parks and Natural Resources Fund (Fund 031) to pay for 34330
design, planning, and engineering costs incurred by the Department 34331
of Natural Resources for such projects. Upon release of the 34332
appropriations by the Director of Budget and Management, the 34333
Department of Natural Resources shall pay for these expenses from 34334
Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks 34335
and Natural Resources Fund (Fund 031) using an intrastate voucher. 34336

Section 247.10. All items set forth in this section are 34337
hereby appropriated out of any moneys in the state treasury to the 34338
credit of the School Building Program Assistance Fund (Fund 032) 34339

that are not otherwise appropriated:			34340
		Reappropriations	
	SFC SCHOOL FACILITIES COMMISSION		34341
CAP-770	School Building Program Assistance	\$ 183,784,236	34342
CAP-779	Exceptional Needs	\$ 5,846,594	34343
CAP-785	Vocation Facilities Assistance Program	\$ 574,722	34344
	Total School Facilities Commission	\$ 190,205,552	34345
	TOTAL School Building Program Assistance Fund	\$ 190,205,552	34346

Section 249.10. All items set forth in Sections 249.20 to 34348
249.40 of this act are hereby appropriated out of any moneys in 34349
the state treasury to the credit of the Mental Health Facilities 34350
Improvement Fund (Fund 033) that are not otherwise appropriated: 34351

Reappropriations

	Section 249.20. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION		34352
	SERVICES		34353
CAP-002	Community Assistance Projects	\$ 3,088,902	34354
	Total Department of Alcohol and Drug Addiction		34355
	Services	\$ 3,088,902	34356

COMMUNITY ASSISTANCE PROJECTS 34357

Of the foregoing appropriation item CAP-002, Community 34358
Assistance Projects, \$207,624 shall be used to continue 34359
renovations for the Oak House Women's Residential Treatment 34360
Facility. 34361

Reappropriations

	Section 249.30. DMH DEPARTMENT OF MENTAL HEALTH		34362
	STATEWIDE AND CENTRAL OFFICE PROJECTS		34363
CAP-092	Hazardous Materials Abatement	\$ 382,281	34364
CAP-479	Community Assistance Projects	\$ 4,726,308	34365
CAP-906	Campus Consolidation - Automation	\$ 2,668,974	34366

CAP-943	Dietary Delivery Systems	\$	6,534	34367
CAP-946	Demolition	\$	263,542	34368
CAP-976	Life Safety/Critical Plant Renovations	\$	69,354	34369
CAP-977	Patient Care/Environment Improvement	\$	1,605,463	34370
CAP-978	Infrastructure Renovations	\$	7,444,890	34371
CAP-981	Emergency Improvements	\$	2,843,566	34372
CAP-984	Patient Environment Improvement	\$	176,853	34373
	Consolidation			
	Total Department of Mental Health	\$	20,187,765	34374

Reappropriations

Section 249.40. DMR DEPARTMENT OF MENTAL RETARDATION AND 34376
DEVELOPMENTAL DISABILITIES 34377

STATEWIDE PROJECTS 34378

CAP-001	Asbestos Abatement	\$	1,026,917	34379
CAP-480	Community Assistance Projects	\$	13,020,936	34380
CAP-901	Razing of Buildings	\$	80,013	34381
CAP-912	Telecommunications Systems Improvement	\$	9,454	34382
CAP-941	Emergency Generator Replacement	\$	140,580	34383
CAP-955	Statewide Developmental Centers	\$	1,985,066	34384
CAP-981	Emergency Improvements	\$	231,846	34385
	Total Statewide and Central Office Projects	\$	16,494,812	34386

STATEWIDE DEVELOPMENTAL CENTERS 34387

The amount reappropriated for the foregoing appropriation 34388
item CAP-955, Statewide Developmental Centers, is the unencumbered 34389
and unallotted balance as of June 30, 2006, plus the sum of the 34390
unencumbered and unallotted balances for appropriation item 34391
CAP-791, Jonathan Hall Renovation; CAP-795, Ruby Hall Renovation; 34392
and CAP-940, Sewage Treatment Plant Renovation as of June 30, 34393
2006. 34394

COMMUNITY ASSISTANCE PROJECTS 34395

The foregoing appropriation item CAP-480, Community 34396

Assistance Projects, may be used to provide community assistance			34397
funds for the construction or renovation of facilities for day			34398
programs or residential programs that provide services to persons			34399
eligible for services from the Department of Mental Retardation			34400
and Developmental Disabilities or county boards of mental			34401
retardation and developmental disabilities. Any funds provided to			34402
nonprofit agencies for the construction or renovation of			34403
facilities for persons eligible for services from the Department			34404
of Mental Retardation and Developmental Disabilities and county			34405
boards of mental retardation and developmental disabilities are			34406
subject to the prevailing wage provisions in section 176.05 of the			34407
Revised Code.			34408
STATEWIDE DEVELOPMENTAL CENTERS			34409
CAMBRIDGE DEVELOPMENTAL CENTER			34410
CAP-711 Residential Renovations - CAMDC	\$	41,981	34411
CAP-910 HVAC Renovations - Residential Buildings	\$	1,000	34412
CAP-913 Cambridge HVAC Upgrade - Activity Center	\$	3,538	34413
CAP-969 Utility Upgrade Centerwide		5,960	34414
Total Cambridge Developmental Center	\$	52,479	34415
COLUMBUS DEVELOPMENTAL CENTER			34416
CAP-852 Fire Alarm System Improvements	\$	5,500	34417
CAP-958 Columbus Developmental Center	\$	11,794	34418
Total Columbus Developmental Center	\$	17,294	34419
GALLIPOLIS DEVELOPMENTAL CENTER			34420
CAP-723 HVAC Replacements	\$	12,615	34421
CAP-959 Gallipolis Developmental Center	\$	35,244	34422
Total Gallipolis Developmental Center	\$	47,859	34423
MONTGOMERY DEVELOPMENTAL CENTER			34424
CAP-960 Montgomery Developmental Center	\$	2,159	34425
Total Montgomery Developmental Center	\$	2,159	34426
MOUNT VERNON DEVELOPMENTAL CENTER			34427
CAP-080 Renovate Main Kitchen - Rian Hall	\$	19,210	34428
CAP-962 Mount Vernon Developmental Center	\$	481,912	34429

Total Mount Vernon Developmental Center	\$	501,122	34430
NORTHWEST OHIO DEVELOPMENTAL CENTER			34431
CAP-947 Replace Chiller	\$	8,535	34432
CAP-963 Northwest Ohio Developmental Center	\$	79,096	34433
Total Northwest Ohio Developmental Center	\$	87,631	34434
SOUTHWEST OHIO DEVELOPMENTAL CENTER			34435
CAP-863 Residential Renovation - HVAC Upgrade	\$	139,189	34436
CAP-964 Southwest Ohio Developmental Center	\$	78,983	34437
CAP-976 Renovation Program and Support Services Building	\$	3,900	34438
Total Southwest Ohio Developmental Center	\$	222,072	34439
TIFFIN DEVELOPMENTAL CENTER			34440
CAP-931 Roof and Exterior Renovations	\$	19,666	34441
CAP-966 Tiffin Developmental Center	\$	27,175	34442
Total Tiffin Developmental Center	\$	46,841	34443
WARRENSVILLE DEVELOPMENTAL CENTER			34444
CAP-867 Residential Renovations - WDC	\$	5,057	34445
CAP-900 Water Line Replacement - WDC	\$	16,267	34446
CAP-936 HVAC Renovations	\$	4,873	34447
CAP-950 ADA Compliance - WDC	\$	3,628	34448
CAP-967 Warrensville Developmental Center	\$	48,032	34449
Total Warrensville Developmental Center	\$	77,857	34450
YOUNGSTOWN DEVELOPMENTAL CENTER			34451
CAP-968 Youngstown Developmental Center	\$	69,681	34452
Total Youngstown Developmental Center	\$	69,681	34453
TOTAL Department of Mental Retardation and Developmental Disabilities	\$	17,619,807	34454 34455
TOTAL Mental Health Facilities Improvement Fund	\$	40,896,474	34456
Section 249.50. The foregoing appropriations for the			34458
Department of Alcohol and Drug Addiction Services, CAP-002,			34459
Community Assistance Projects; Department of Mental Health,			34460

CAP-479, Community Assistance Projects; and Department of Mental 34461
Retardation and Developmental Disabilities, CAP-480, Community 34462
Assistance Projects, may be used on facilities constructed or to 34463
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 34464
5126. of the Revised Code or the authority granted by section 34465
154.20 of the Revised Code and the rules adopted pursuant to those 34466
chapters and that section and shall be distributed by the 34467
Department of Alcohol and Drug Addiction Services, the Department 34468
of Mental Health, and the Department of Mental Retardation and 34469
Developmental Disabilities, subject to Controlling Board approval. 34470

Section 249.60. (A) No capital improvement appropriations 34471
made in Sections 249.20 to 249.40 of this act shall be released 34472
for planning or for improvement, renovation, or construction or 34473
acquisition of capital facilities if a governmental agency, as 34474
defined in section 154.01 of the Revised Code, does not own the 34475
real property that constitutes the capital facilities or on which 34476
the capital facilities are or will be located. This restriction 34477
does not apply in any of the following circumstances: 34478

(1) The governmental agency has a long-term (at least fifteen 34479
years) lease of, or other interest (such as an easement) in, the 34480
real property. 34481

(2) In the case of an appropriation for capital facilities 34482
that, because of their unique nature or location, will be owned or 34483
be part of facilities owned by a separate nonprofit organization 34484
and made available to the governmental agency for its use, the 34485
nonprofit organization either owns or has a long-term (at least 34486
fifteen years) lease of the real property or other capital 34487
facility to be improved, renovated, constructed, or acquired and 34488
has entered into a joint or cooperative use agreement, approved by 34489
the Department of Mental Health, Department of Mental Retardation 34490
and Developmental Disabilities, or Department of Alcohol and Drug 34491

Addiction Services, whichever is applicable, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation. 34492
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(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that: 34497
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(1) Specify the extent and nature of that joint or cooperative use, extending for no fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the applicable department, reasonably related to the amount of the appropriation; 34500
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(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated; 34505
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(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state statutes and rules, including provisions of this act. 34508
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34510

Section 251.10. All items set forth in Sections 251.20 to 256.80 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) that are not otherwise appropriated: 34511
34512
34513
34514

Reappropriations

Section 251.20. ETC ETECH OHIO 34515
CAP-001 Educational Television and Radio \$ 1,889,477 34516
Equipment
CAP-002 Educational Broadcasting Fiber Optic \$ 51,748 34517
Network
Total eTech Ohio \$ 1,941,225 34518

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT 34519

The foregoing appropriation item CAP-001, Educational 34520
Television and Radio Equipment, shall be used to provide 34521
broadcasting, transmission, and production equipment to Ohio 34522
public radio and television stations, radio reading services, and 34523
the eTech Ohio Commission. 34524

EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK 34525

The foregoing appropriation item CAP-002, Educational 34526
Broadcasting Fiber Optic Network, shall be used to link the Ohio 34527
public radio and television stations, radio reading services, and 34528
the Educational Telecommunications Network for the reception and 34529
transmission of digital communications through fiber optic cable 34530
or other technology. 34531

Reappropriations

Section 251.30. BOR BOARD OF REGENTS 34532

CAP-029	Ohio Library And Information Network	\$	3,500,000	34533
CAP-030	Supercomputer Center Expansion	\$	228,599	34534
CAP-032	Research Facility Investment	\$	2,401,427	34535
	Loans/Grants			
CAP-061	Central State Rehabilitation	\$	207,012	34536
CAP-068	Third Frontier Project	\$	50,000,001	34537
CAP-071	Center for Transitional and Applied	\$	500,000	34538
	Genomics			
CAP-072	Cleveland Clinic Heart Center	\$	5,000,000	34539
	Infrastructure			
CAP-073	Technology Incubator for Market-Ready	\$	2,000,000	34540
	Applications			
CAP-077	Center For Structural Biology	\$	1,000,000	34541
CAP-078	One Cleveland Broadband Network	\$	500,000	34542
CAP-079	Central Ohio Technology Corridor -	\$	500,000	34543
	Dublin			

CAP-080	OSU Supercomputer Center Aerospace	\$	50,000	34544
CAP-081	Youngstown Market Ready Incubator	\$	750,000	34545
Total Board of Regents		\$	66,637,039	34546

Section 251.40. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 34548
34549

The foregoing appropriation item CAP-032, Research Facility 34550
Investment Loans/Grants, shall be used for a program of grants to 34551
be administered by the Board of Regents to provide timely 34552
availability of capital facilities for research programs and 34553
research-oriented instructional programs at or involving 34554
state-supported and state-assisted institutions of higher 34555
education. 34556

The Board of Regents shall adopt rules under Chapter 119. of 34557
the Revised Code relative to the application for and approval of 34558
projects funded from appropriation item CAP-032, Research Facility 34559
Investment Loans/Grants. The rules shall be reviewed and approved 34560
by the Legislative Committee on Education Oversight. The Board of 34561
Regents shall inform the President of the Senate and the Speaker 34562
of the House of Representatives of each project application for 34563
funding received. Each project receiving a commitment for funding 34564
by the Board of Regents under the rules shall be reported to the 34565
President of the Senate and the Speaker of the House of 34566
Representatives. 34567

Section 251.50. REPAYMENT OF RESEARCH FACILITY INVESTMENT 34568
LOANS/GRANTS MONEYS 34569

Notwithstanding any provision of law to the contrary, all 34570
repayments of Research Facility Investment Loans/Grants loans 34571
shall be made to the Bond Service Account in the Higher Education 34572
Bond Service Trust Fund. 34573

Institutions of higher education shall make timely repayments 34574

of Research Facility Investment Loans/Grants loans, according to 34575
the schedule established by the Board of Regents. In the case of 34576
late payments, the Board of Regents may deduct from an 34577
institution's periodic subsidy distribution an amount equal to the 34578
amount of the overdue payment for that institution, transfer such 34579
amount to the Bond Service Trust Fund, and credit the appropriate 34580
institution for the repayment. 34581

Section 251.60. THIRD FRONTIER PROJECT 34582

The foregoing appropriation item CAP-068, Third Frontier 34583
Project, shall be used to acquire, renovate, or construct 34584
facilities and purchase equipment for research programs, 34585
technology development, product development, and commercialization 34586
programs at or involving state-supported and state-assisted 34587
institutions of higher education. The funds shall be used to make 34588
grants awarded on a competitive basis, and shall be administered 34589
by the Third Frontier Commission. Expenditure of these funds shall 34590
comply with Section 2n of Article VIII, Ohio Constitution, and 34591
sections 151.01 and 151.04 of the Revised Code for the period 34592
beginning July 1, 2006, and ending June 30, 2008. 34593

The Third Frontier Commission shall develop guidelines 34594
relative to the application for and selection of projects funded 34595
from appropriation item CAP-068, Third Frontier Project. The 34596
commission may develop these guidelines in consultation with other 34597
interested parties. The Board of Regents and all state-assisted 34598
and state-supported institutions of higher education shall take 34599
all actions necessary to implement grants awarded by the Third 34600
Frontier Commission. 34601

The foregoing appropriation item CAP-068, Third Frontier 34602
Project, for which an appropriation is made from the Higher 34603
Education Improvement Fund (Fund 034), is determined to consist of 34604
capital improvements and capital facilities for state-supported 34605

and state-assisted institutions of higher education, and is 34606
designated for the capital facilities to which proceeds of 34607
obligations in the Higher Education Improvement Fund (Fund 034) 34608
are to be applied. 34609

Section 251.80. REIMBURSEMENT FOR PROJECT COSTS 34610

Appropriations made in Sections 251.30 to 256.80 of this act 34611
for purposes of the costs of capital facilities', the interim 34612
financing of which the particular institution has previously 34613
issued its own obligations anticipating the possibility of future 34614
state appropriations to pay all or a portion of such costs, as 34615
contemplated in division (B) of section 3345.12 of the Revised 34616
Code, shall be paid directly to the institution or the paying 34617
agent for those outstanding obligations in the full principal 34618
amount of those obligations then to be paid from the anticipated 34619
appropriation and shall be timely applied to the retirement of a 34620
like principal amount of the institution's obligations. 34621

Appropriations made in Sections 251.30 to 256.80 of this act 34622
for purposes of the costs of capital facilities, all or a portion 34623
of which costs the particular institution has paid from the 34624
institution's moneys that were temporarily available and which 34625
expenditures were reasonably expected at the time of the advance 34626
by the institution and the state to be reimbursed from the 34627
proceeds of obligations issued by the state, shall be directly 34628
paid to the institution in the full amounts of those payments and 34629
shall be timely applied to the reimbursement of those temporarily 34630
available moneys. All reimbursements are subject to review and 34631
approval through the capital release process. 34632

Reappropriations

Section 251.90. UAK UNIVERSITY OF AKRON 34633

CAP-008 Basic Renovations \$ 4,512,104 34634

CAP-047	Polsky Building Renovation	\$	1,421,625	34635
CAP-049	Basic Renovations - Wayne	\$	313,880	34636
CAP-054	Auburn Science/Whitby Rehabilitation	\$	9,697,799	34637
CAP-061	Asbestos Abatement	\$	47,861	34638
CAP-063	Child Care Facility	\$	4,428	34639
CAP-076	Supercritical Fluid Technology	\$	30,251	34640
CAP-077	Leigh Hall Rehabilitation	\$	766,457	34641
CAP-087	Global PVC Research Consortium	\$	7,144	34642
CAP-091	Student Affairs Building	\$	53,082	34643
CAP-097	Ohio NMR Consortium	\$	96,500	34644
CAP-098	Guzzetta Hall Addition	\$	77,848	34645
CAP-099	D Wing Expansion	\$	243,750	34646
CAP-100	Classroom Office Addition - Design	\$	120,120	34647
CAP-101	National Polymer Processing Center	\$	1,000,000	34648
CAP-104	Nanoscale Polymers Manufacturing	\$	124,366	34649
CAP-111	500 MHz NMR Spectrometer	\$	117,444	34650
CAP-113	Student & Administrative Services Building - Phase 2	\$	362,196	34651
CAP-114	Facility Enhancement Building H - Phase 2	\$	628,277	34652
CAP-115	Medina County University Center	\$	1,000,000	34653
CAP-116	Fir Hill Plaza Renovations	\$	1,249,743	34654
CAP-117	Shrank Hall Renovation	\$	1,342,414	34655
Total University of Akron		\$	23,217,289	34656

Reappropriations

Section 252.10. BGU BOWLING GREEN STATE UNIVERSITY				34658
CAP-009	Basic Renovations	\$	7,386,239	34659
CAP-060	Basic Renovations - Firelands	\$	459,399	34660
CAP-074	Instructional and Data Processing Equipment	\$	1,426,543	34661
CAP-078	Asbestos Abatement	\$	1,584	34662
CAP-088	ADA Modifications	\$	19,544	34663

CAP-091	Child Care Facility	\$	49,406	34664
CAP-094	Materials Network	\$	90,981	34665
CAP-102	Network Infrastructure - Phase 1	\$	244,131	34666
CAP-108	Tunnel Upgrade - Phase 2	\$	98,820	34667
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522	34668
CAP-112	Biology Lab Renovation	\$	12,533,708	34669
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700	34670
CAP-114	Student Learning	\$	13,149	34671
CAP-115	Video Teaching Network	\$	5,436	34672
CAP-118	Kinetic Spectrometry Consortium	\$	77,671	34673
CAP-119	Admissions Visitor Center	\$	3,000,000	34674
CAP-120	Theatre/Performing Arts Complex	\$	8,750,000	34675
CAP-121	University Hall Rehabilitation	\$	1,174,981	34676
CAP-124	Administration Building Fire Alarm System	\$	83,986	34677
CAP-125	Campus-Wide Carpet Upgrade	\$	329,700	34678
CAP-126	Reroof East, West, and North Buildings	\$	600,000	34679
CAP-127	Instructional Laboratory - Phase 1	\$	123,735	34680
CAP-128	Perrysburg Heights Multipurpose Facility	\$	500,000	34681
CAP-129	Wood County Senior Kitchen Project	\$	500,000	34682
Total Bowling Green State University		\$	39,827,235	34683

BASIC RENOVATIONS 34684

The amount reappropriated for the foregoing appropriation 34685
item CAP-009, Basic Renovations, is the sum of the unencumbered 34686
and unallotted balances as of June 30, 2006, in appropriation 34687
items CAP-009, Basic Renovations; CAP-093, Pedestrian Mall 34688
Project; CAP-104, Jerome Library Renovations; CAP-105, 34689
Administration Building Elevators; and CAP-117, Administration 34690
Building Chiller. 34691

Reappropriations

Section 252.20. CSU CENTRAL STATE UNIVERSITY 34692

CAP-022	Basic Renovations	\$	676,223	34693
CAP-068	Instructional and Data Processing Replacement	\$	85,065	34694
CAP-084	Academic Facility - Phase 1	\$	3,791,729	34695
Total Central State University		\$	4,553,017	34696

Reappropriations

Section 252.30. UCN UNIVERSITY OF CINCINNATI				34698
CAP-009	Basic Renovations	\$	512,716	34699
CAP-018	Basic Renovations - Clermont	\$	298,701	34700
CAP-054	Raymond Walters Renovations	\$	428,426	34701
CAP-119	Instructional & Data Processing Equipment	\$	12,537	34702
CAP-122	Infrastructure Assessment	\$	2,518	34703
CAP-128	Science and Allied Health Building - Walters	\$	118,748	34704
CAP-131	Convention Center	\$	2,500,000	34705
CAP-137	MSB Otolaryngology	\$	1,228	34706
CAP-141	ADA Modifications	\$	49,860	34707
CAP-142	ADA Modifications - Clermont	\$	6,039	34708
CAP-158	Molecular Components/Simulation Network	\$	16,817	34709
CAP-171	Asbestos - Rieveschl Hall	\$	107,550	34710
CAP-173	Surface Engineering	\$	24,503	34711
CAP-174	Classroom/Teaching Lab Renovations	\$	89,236	34712
CAP-176	Network Expansion	\$	19,000	34713
CAP-180	Rapid Prototype Process	\$	41,626	34714
CAP-187	MSB Small Group Learning Spaces	\$	1,125	34715
CAP-193	Nano Particles	\$	1,103	34716
CAP-194	Transgenic Core Capacity	\$	1,633	34717
CAP-195	Thin Film Analysis	\$	110,452	34718
CAP-196	Electronic Reconstruction	\$	1,784	34719
CAP-197	Med Center Technology	\$	1,546	34720
CAP-198	TC/Dyer Rehabilitation - Phase 1A	\$	8,532	34721
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919	34722

CAP-205	Medical Science Building Rehabilitation	\$	3,626,342	34723
CAP-206	One Stop Services Center	\$	97,535	34724
CAP-207	Central Campus Infrastructure	\$	287,593	34725
CAP-208	Security System Upgrade	\$	50,000	34726
CAP-209	Library Renovations	\$	800,500	34727
CAP-218	Creation of a P3 Facility	\$	500	34728
CAP-223	Teachers College/Dyer Hall Rehabilitation	\$	986,560	34729
	- Phase 2			
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	25,425	34730
CAP-226	Holocaust Archives	\$	47,580	34731
CAP-237	Biomedical Engineering	\$	17,145	34732
CAP-250	Student Services	\$	111,750	34733
CAP-262	Central Campus Renovations	\$	8,442	34734
CAP-263	Swift Rehabilitation	\$	9,667	34735
CAP-264	McMicken Window Replacement	\$	66,882	34736
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	720,764	34737
CAP-268	800 MHz Radio System	\$	15,000	34738
CAP-270	CAS HVAC Upgrades	\$	4,005	34739
CAP-273	Help Phones	\$	43,754	34740
CAP-278	Structural Biology	\$	59,533	34741
CAP-279	Developmental Neurobiology	\$	500,000	34742
CAP-286	CAS Fire Alarm Upgrade	\$	35,273	34743
CAP-287	Classroom Security System	\$	39,827	34744
CAP-290	Mainframe Computing Alliance	\$	16,351	34745
CAP-291	Proteomics in the Post Genome Era	\$	30,860	34746
CAP-292	Nanoscale Hybrid Materials	\$	79,677	34747
CAP-293	Accelerated Maturation of Materials	\$	632	34748
CAP-304	GRI Building F240 Renovation	\$	5,393	34749
CAP-305	Peters-Jones Building Restroom Upgrade	\$	1,943	34750
CAP-311	Gas Turbine Spray Combustion	\$	150,000	34751
CAP-314	Bridging the Skills Gap	\$	593,912	34752
CAP-317	Gibson House Fire Alarm	\$	16,041	34753

CAP-318	MSb Interim-FM Relocation	\$	14,673	34754
CAP-319	Elevator Cylinder Replacements	\$	36,725	34755
CAP-320	HPB G58 - Network Office Renovation	\$	2,414	34756
CAP-327	Electronic Systems Emulation	\$	60,000	34757
CAP-329	Uptown Consortium Renovations/Turner plc	\$	250,000	34758
CAP-330	Blegen Windows	\$	72,778	34759
CAP-331	West Campus GFCI Lab Upgrades	\$	8,125	34760
CAP-332	Blegen ADA Upgrade	\$	9,973	34761
CAP-334	Lindner Fire Alarm Upgrade	\$	279,138	34762
CAP-335	People Working Cooperatively	\$	100,000	34763
CAP-336	Advanced Oxidation Technologies	\$	62,262	34764
CAP-337	CAS Electrical Upgrades	\$	36,821	34765
CAP-338	Live Tissue Imaging	\$	77,319	34766
CAP-340	Lean Product Development	\$	1,000,000	34767
CAP-341	Clermont Snyder Masonry Restoration	\$	3,950	34768
CAP-345	Proctor Elevator Improvements	\$	279,388	34769
Total University of Cincinnati		\$	15,104,051	34770

BASIC RENOVATIONS 34771

The amount reappropriated for the foregoing appropriation 34772
item CAP-009, Basic Renovations, is the sum of the unencumbered 34773
and unallotted balances as of June 30, 2006, in appropriation 34774
items CAP-009, Basic Renovations; CAP-276, Health Professionals 34775
Building G44E Renovation; CAP-289, Medical Science Building Data 34776
Electronic RM Walls; CAP-296, Rieveschl HVAC & Safety Upgrades; 34777
CAP-322, Condensate Pump/Reheat; and CAP-323, Old Chemistry Window 34778
Replacement. 34779

ADA MODIFICATIONS 34780

The amount reappropriated for the foregoing appropriation 34781
item CAP-141, ADA Modifications, is the sum of the unencumbered 34782
and unallotted balances as of June 30, 2006, in appropriation 34783
items CAP-141, ADA Modifications and CAP-307, Lindner ADA 34784
Upgrades. 34785

CLASSROOM/TEACHING LAB RENOVATIONS 34786

The amount reappropriated for the foregoing appropriation 34787
item CAP-174, Classroom/Teaching Lab Renovations, is the sum of 34788
the unencumbered and unallotted balances as of June 30, 2006, in 34789
appropriation items CAP-174, Classroom/Teaching Lab Renovations; 34790
CAP-201, WC Faculty Media Center; and CAP-228, Medical Science 34791
Building Level G, 1 & 2 Lab Upgrades. 34792

CRITICAL BUILDING COMPONENT RENOVATIONS 34793

The amount reappropriated for the foregoing appropriation 34794
item CAP-177, Critical Building Component Renovations, is the sum 34795
of the unencumbered and unallotted balances as of June 30, 2006, 34796
in appropriation items CAP-177, Critical Building Component 34797
Renovations; CAP-188, HPB/Wherry Service Entrances; and CAP-202, 34798
Baldwin Hall Rehabilitation - Phase 1. 34799

ONE STOP SERVICES CENTER 34800

The amount reappropriated for the foregoing appropriation 34801
item CAP-206, One Stop Services Center, is the sum of the 34802
unencumbered and unallotted balances as of June 30, 2006, in 34803
appropriation items CAP-206, One Stop Services Center, plus 34804
\$102,568. 34805

Reappropriations

Section 252.40. CLS CLEVELAND STATE UNIVERSITY 34806

CAP-023	Basic Renovations	\$	5,058,958	34807
CAP-067	17th - 18th Street Block	\$	222,280	34808
CAP-084	Neighborhood Centers Renovations	\$	500,000	34809
CAP-088	Asbestos Abatement	\$	870,077	34810
CAP-092	Handicapped Requirements	\$	572	34811
CAP-112	Land Acquisitions	\$	9,264	34812
CAP-114	Geographic Information Systems	\$	41,067	34813
CAP-125	College of Education Building	\$	17,235,047	34814

CAP-126	Electrical System Upgrades - Phase 2	\$	773,658	34815
CAP-127	Fire Alarm System Upgrade	\$	400,000	34816
CAP-128	Property Acquisition	\$	1,120,237	34817
CAP-138	Student Services	\$	59,333	34818
CAP-139	Landscape, Sidewalk Replacement	\$	5,845	34819
CAP-142	Rhodes Tower Library Roof Replacement	\$	178,169	34820
CAP-144	Rhodes Tower Plaza Renovation - Phase 2	\$	690	34821
CAP-148	Cleveland Institute of Art	\$	1,000,000	34822
CAP-150	Campus Fire Alarm Upgrade	\$	762,085	34823
CAP-151	Plant Growth Facility	\$	60,000	34824
CAP-152	Rhodes Tower Data Center Relocation	\$	920,131	34825
CAP-153	University Annex-Vacate and Demolition	\$	49,390	34826
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	34827
CAP-157	Child Care Matching Grant	\$	221,987	34828
CAP-158	Utility Upgrade Southwest Campus	\$	473,931	34829
Total Cleveland State University		\$	31,462,721	34830

NEIGHBORHOOD CENTERS RENOVATIONS 34831

The amount reappropriated for the foregoing appropriation 34832
item CAP-084, Neighborhood Centers Renovations, is the total of 34833
the unencumbered and unalloted balances, of as June 30, 2006, in 34834
appropriations items CAP-856, Friendly Inn Settlement House 34835
Historic Site, and CAP-857, Merrick House Historic Site, in the 34836
Cultural and Sports Facilities Building Fund (Fund 030). 34837

Of the foregoing appropriation item CAP-084, Neighborhood 34838
Centers Renovations, \$250,000 shall be used for renovations to the 34839
Friendly Inn Settlement House and \$250,000 shall be used for 34840
renovations to the Merrick House. 34841

CLEVELAND INSTITUTE OF ART 34842

The amount reappropriated for the foregoing appropriation 34843
item CAP-148, Cleveland Institute of Art, is the unencumbered and 34844
unalloted balance, as of June 30, 2006, in appropriation item 34845

CAP-069, Cleveland Institute of Art, in the Cultural and Sports
Facilities Building Fund (Fund 030). 34846
34847

Reappropriations

Section 252.50. KSU KENT STATE UNIVERSITY			34848
CAP-022	Basic Renovations	\$ 4,092,258	34849
CAP-098	Trumbull Branch Addition	\$ 13,972	34850
CAP-105	Basic Renovations - East Liverpool	\$ 234,847	34851
CAP-106	Basic Renovations - Geauga	\$ 45,607	34852
CAP-107	Basic Renovations - Salem	\$ 126,662	34853
CAP-108	Basic Renovations - Stark	\$ 325,358	34854
CAP-110	Basic Renovations - Ashtabula	\$ 426,827	34855
CAP-111	Basic Renovations - Trumbull	\$ 613,808	34856
CAP-112	Basic Renovations - Tuscarawas	\$ 171,699	34857
CAP-122	Faculty Office Addition - Salem	\$ 12,072	34858
CAP-126	HVAC Renovations - Ashtabula	\$ 5,545	34859
CAP-128	Roof Renovations - Ashtabula	\$ 1,435	34860
CAP-137	LCI/Materials Science Building	\$ 6,025	34861
CAP-140	Road Improvements - Trumbull	\$ 12,282	34862
CAP-143	Liquid Crystals	\$ 114,319	34863
CAP-144	Instruction and Data Processing Equipment	\$ 1,994,905	34864
CAP-154	Separation Science	\$ 1,497	34865
CAP-156	Boiler Plant Controls and Building Alterations	\$ 6,738	34866
CAP-159	Electrical Substation/Fiber Optic Network	\$ 6,526	34867
CAP-162	Science and Technology Building - Trumbull	\$ 125,374	34868
CAP-164	ADA Modifications - Ashtabula	\$ 6,772	34869
CAP-167	ADA Modifications - Salem	\$ 5,312	34870
CAP-173	Child Care Facility	\$ 18,650	34871
CAP-176	Midway Drive Utilities Tunnel - II	\$ 1,522	34872

CAP-184	Distributed Computation/Visualization	\$	33,833	34873
CAP-188	Child Care Funds - East Liverpool	\$	90,000	34874
CAP-189	Child Care Funds - Tuscarawas	\$	19,847	34875
CAP-190	Child Care Funds - Ashtabula	\$	12,500	34876
CAP-194	Child Care - Salem	\$	100,000	34877
CAP-195	Child Care - Geauga	\$	20,666	34878
CAP-196	Technology Improvements - Ashtabula	\$	216,911	34879
CAP-198	Technology Improvements - Salem	\$	5,648	34880
CAP-199	Technology Improvements - Trumbull	\$	69,205	34881
CAP-200	Technology Improvements - Tuscarawas	\$	18,638	34882
CAP-206	Child Care Facility	\$	2,637	34883
CAP-207	Kent Hall Planning and Addition	\$	156,000	34884
CAP-210	Rooftop Air Handler	\$	600	34885
CAP-212	Technology Building and Parking	\$	2,406,053	34886
CAP-220	Campus Steam System Evaluation & Upgrade	\$	58,034	34887
CAP-226	GIS Technology	\$	1,637	34888
CAP-227	3D Microscopy Imaging	\$	81,194	34889
CAP-228	Exterior Site Improvements	\$	2,159	34890
CAP-232	Ohio NMR Consortium	\$	80,800	34891
CAP-233	Environmental Technology Consortium	\$	56,850	34892
CAP-234	Terrace Drive Heating Plant	\$	12,161	34893
	Rehabilitation I			
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	11,887,383	34894
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	21,923	34895
CAP-239	Classroom Building Roof, Copping, Fascia Restoration	\$	581,919	34896
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	1,338	34897
CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	113,456	34898
CAP-246	Tuscarawas Wing C Penthouse Roof	\$	83,560	34899

	Replacement			
CAP-248	Mary Patterson Building Boiler	\$	3,473	34900
	Replacement			
CAP-252	Ohio Organic Semiconductor	\$	73,412	34901
CAP-254	Theoretical Liquid Crystal Physics	\$	500,000	34902
CAP-255	Music & Speech - HVAC/Chiller	\$	27,264	34903
	Replacement			
CAP-256	Stockdale Electrical System Upgrade	\$	814	34904
CAP-258	Business Administration Air Handling	\$	8,687	34905
	Unit and Roof Replacement			
CAP-260	Land Acquisitions & Improvements - East	\$	638,419	34906
	Liverpool			
CAP-261	Addition/Renovation Classrooms - Geauga	\$	246,878	34907
CAP-262	Gym Renovation Planning - Salem	\$	490,213	34908
CAP-265	Science Lab Addition - Trumbull	\$	991,786	34909
CAP-266	Fine & Performing Arts Center -	\$	844,655	34910
	Tuscarawas			
CAP-267	Columbiana County Port Authority	\$	13,125	34911
CAP-268	Canton Convention Center	\$	735,000	34912
CAP-269	Blossom Music Center	\$	2,512,500	34913
CAP-270	Geauga Science Laboratories	\$	36,880	34914
Total Kent State University		\$	31,628,070	34915

REHABILITATION OF FRANKLIN HALL 34916

The amount reappropriated for the foregoing appropriation 34917
 item CAP-235, Rehabilitation of Franklin Hall - Planning, is the 34918
 unencumbered and unallotted balance as of June 30, 2006, 34919
 appropriation item CAP-235, Rehabilitation of Franklin Hall - 34920
 Planning, plus \$38,917. 34921

Reappropriations

Section 252.60. MUN MIAMI UNIVERSITY				34922
CAP-018	Basic Renovations	\$	4,616,362	34923

CAP-066	Basic Renovations - Hamilton	\$	514,779	34924
CAP-069	Basic Renovations - Middletown	\$	683,071	34925
CAP-081	Cooperative Regional Library Depository SW	\$	2,546	34926
CAP-083	Campus Avenue Building Renovation	\$	26,794	34927
CAP-085	Alumni Hall Rehabilitation - Phase I	\$	972	34928
CAP-088	Hoyt Hall Rehabilitation	\$	7,339	34929
CAP-089	High Voltage Electric	\$	351,155	34930
CAP-096	McGuffey Hall Rehabilitation	\$	52,271	34931
CAP-098	Computer Network Installation	\$	17,589	34932
CAP-099	King Library Rehabilitation	\$	1,865	34933
CAP-103	ADA Modifications - Middletown	\$	2,798	34934
CAP-105	Plant Response/Environmental Stress	\$	72,641	34935
CAP-109	Molecular Microbial Biology	\$	67,500	34936
CAP-110	Micromachining Technology	\$	507,540	34937
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	5,954	34938
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	663,199	34939
CAP-115	Special Academic/Administrative Projects - Middletown	\$	735,287	34940
CAP-121	Southwestern Book Depository	\$	150,820	34941
CAP-123	Phillips Hall Rehabilitation	\$	127,297	34942
CAP-127	Campus Steam Distribution - Phase I	\$	1,820,046	34943
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$	1,500	34944
CAP-131	Miami University Learning Center	\$	1,001,515	34945
CAP-132	Mass Spectrum Consortium	\$	14,590	34946
CAP-143	Warfield Hall Rehabilitation	\$	61,104	34947
CAP-145	Campus Chilled Water Efficiency	\$	816,587	34948
CAP-146	Information Technology System Upgrade	\$	1,363,490	34949
CAP-149	Parrish Auditorium Rehabilitation	\$	625,000	34950
CAP-155	Protein Solution Structural Analysis	\$	500,000	34951
CAP-156	Teraherta Spectroscopysystem	\$	100,000	34952

CAP-157	Presser Hall Rehabilitation	\$	3,015,740	34953
CAP-159	DNA Sequencing	\$	93,552	34954
Total Miami University		\$	18,020,903	34955

BASIC RENOVATIONS 34956

The amount reappropriated for the foregoing appropriation 34957
item CAP-018, Basic Renovations, is the sum of the unencumbered 34958
and unallotted balances as of June 30, 2006, in appropriation 34959
items CAP-018, Basic Renovations; CAP-111, Roudebush Hall 34960
Rehabilitation; and CAP-117, North Campus Refrigeration/Chilled 34961
Water. 34962

Reappropriations

Section 252.70. OSU OHIO STATE UNIVERSITY 34963

CAP-074	Basic Renovations	\$	19,255,664	34964
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	34965
CAP-198	Brown Hall Annex Replacement	\$	6,213	34966
CAP-254	Basic Renovations - ATI	\$	127,444	34967
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	34968
CAP-256	Supplemental Renovations - Regional	\$	191,955	34969
CAP-258	Dreese Lab Addition	\$	12,340	34970
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	34971
CAP-269	Greenhouse Modernization	\$	40,982	34972
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	34973
CAP-292	Life Sciences Research Building	\$	202,898	34974
CAP-302	Food Science & Technology Building	\$	89,990	34975
CAP-306	Heart & Lung Institute	\$	32,437	34976
CAP-311	Superconducting Radiation	\$	65,094	34977
CAP-313	Brain Tumor Research Center	\$	6,001	34978
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	34979
CAP-315	Membrane Protein Typology	\$	8,835	34980

CAP-316	Instructional and Data Processing Equipment	\$	198,844	34981
CAP-321	Fine Particle Technologies	\$	157,936	34982
CAP-323	Advanced Plasma Engineering	\$	22,379	34983
CAP-324	Plasma Ramparts	\$	1,150	34984
CAP-326	IN-SITU AL-BE Composites	\$	1,733	34985
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	34986
CAP-347	Asbestos Abatement	\$	5,325	34987
CAP-349	Materials Network	\$	91,983	34988
CAP-350	Bio-Technology Consortium	\$	42,378	34989
CAP-352	Analytical Electron Microscope	\$	375,000	34990
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	34991
CAP-357	Supplemental Renovations - ATI	\$	33,969	34992
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	34993
CAP-362	McPherson Lab Rehabilitation	\$	10,278	34994
CAP-368	Heart and Lung Institute	\$	101,808	34995
CAP-374	ADA Modifications	\$	178,870	34996
CAP-375	ADA Modifications - ATI	\$	41,936	34997
CAP-376	ADA Modifications - Lima	\$	95,538	34998
CAP-377	ADA Modifications - Mansfield	\$	15,253	34999
CAP-387	Titanium Alloys	\$	54,912	35000
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	35001
CAP-398	Advanced Manufacturing	\$	38,579	35002
CAP-399	Manufacturing Processes/Materials	\$	62,574	35003
CAP-401	Terhertz Studies	\$	35,294	35004
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	35005
CAP-413	Pomerene Lighting/Wiring	\$	249,584	35006
CAP-419	NMR Consortium	\$	75,116	35007
CAP-420	Versatile Film Facility	\$	62,872	35008
CAP-421	OCARNET	\$	5,916	35009
CAP-422	Bioprocessing Research	\$	1,905	35010
CAP-423	Localized Corrosion Research	\$	6,128	35011

CAP-424	ATM Testbed	\$	3,633	35012
CAP-425	Physical Sciences Building	\$	27,748	35013
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	35014
CAP-431	Sisson Hall Replacement	\$	5,571	35015
CAP-436	Machinery Acoustics	\$	3,804	35016
CAP-439	Sensors and Measurements	\$	15,115	35017
CAP-440	Polymer Magnets	\$	1,099	35018
CAP-458	Al Alloy Corrosion	\$	14,292	35019
CAP-484	Page Hall Planning	\$	7,210	35020
CAP-485	Botany & Zoology Building Planning	\$	207,932	35021
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	35022
CAP-487	Robinson Laboratory Planning	\$	149,100	35023
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	35024
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	35025
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	35026
CAP-492	OARDC Feed Mill	\$	5,598,644	35027
CAP-499	Biological Sciences Cooling Tower	\$	6,930	35028
CAP-509	Mount Hall HVAC Modifications	\$	40,982	35029
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	35030
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	35031
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	35032
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	35033
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	35034
CAP-534	Main Library Rehabilitation	\$	9,320,846	35035
CAP-535	Psychology Building	\$	2,128,529	35036
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	35037

CAP-539	Nanosecond Infrared Measurement	\$	2,588	35038
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	35039
CAP-552	X-Ray Powder Diffractometer	\$	558	35040
CAP-554	Deconvolution Microscope	\$	1,101	35041
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	35042
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	35043
CAP-565	Ion Mass Spectrometry	\$	6,594	35044
CAP-568	Role of Molecular Interfaces	\$	17,554	35045
CAP-572	New Millimeter Spectrometer	\$	714	35046
CAP-574	Noncredit Job Training - Marion	\$	2,933	35047
CAP-576	1224 Kinnear Road - Bale	\$	11,722	35048
CAP-577	Non-Silicon Micromachining	\$	73,991	35049
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	35050
CAP-586	Electroscience Lab Renovation	\$	5,853	35051
CAP-587	OARDC Boiler Replacement	\$	622,757	35052
CAP-590	Supercomputer Center Expansion	\$	6,804,275	35053
CAP-596	Information Literacy	\$	135,574	35054
CAP-597	Online Business Major	\$	5,768	35055
CAP-599	Renovation of Graves Hall	\$	68,196	35056
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	35057
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	35058
CAP-608	Dual Beam Characterization	\$	150,000	35059
CAP-616	Environmental Technology Consortium	\$	11,297	35060
CAP-617	Campbell, University, and Evans Hall	\$	87,439	35061
CAP-620	School of Music - Planning	\$	1,500	35062
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	35063
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	35064
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	35065
CAP-626	Agriculture/Engineering Building	\$	200,000	35066

	Renovation & Addition			
CAP-628	Wood County Center for Agriculture	\$	1,000,000	35067
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	35068
CAP-631	Health Psychology	\$	250,000	35069
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	35070
CAP-633	Networking and Communication	\$	500,000	35071
CAP-634	Planetary Gear	\$	125,000	35072
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	35073
CAP-636	Precision Navigation	\$	85,000	35074
CAP-637	Welding & Metal Working	\$	200,000	35075
CAP-638	Spin Driven Electronics	\$	6,436	35076
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	35077
CAP-641	Accelerated Metals	\$	1,020,331	35078
CAP-642	Mathematical Biosciences Institute	\$	54,863	35079
CAP-646	Mershon Auditorium HVAC System	\$	2,098	35080
	Improvements			
CAP-647	Molecular Microdevices	\$	14,033	35081
CAP-648	Research Center HVAC System Improvements	\$	17,088	35082
CAP-649	Infrared Absorption Measurements	\$	2,899	35083
CAP-650	Dark Fiber	\$	3,983,440	35084
CAP-651	Shared Data Backup System	\$	20,922	35085
CAP-653	Third Frontier Network Testbed	\$	280,564	35086
CAP-654	Distributed Learning Workshop	\$	270,000	35087
CAP-656	Accelerated Maturation of Materials	\$	209,702	35088
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	35089
CAP-658	Hydrogen Production and Storage	\$	32,396	35090
CAP-659	Ohio Organic Semiconductor	\$	367,587	35091
CAP-663	Comprehensive Cancer - Chiller	\$	42,687	35092
	Replacement			
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	35093
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	35094
CAP-669	McCracken Power Plant Spill Control	\$	268,508	35095
CAP-670	Glacial Assessment	\$	22,764	35096

CAP-672	Chemical Vapor Deposition	\$	13,500	35097
CAP-674	Parks Hall Chiller Replacement	\$	135,360	35098
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	35099
CAP-676	Computational Nanotechnology	\$	500,000	35100
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	35101
CAP-678	Center For Materials Design	\$	1,037	35102
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	35103
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	35104
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	35105
CAP-684	Ohio Commons For Digital Education	\$	118,924	35106
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	35107
CAP-686	NonCredit Job Education & Training	\$	21,104	35108
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	35109
CAP-688	Bricker Hall Roof Replacement	\$	23,123	35110
CAP-694	Neuroscience Center Core	\$	193,991	35111
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	35112
CAP-697	930 Kinnear Road Renovations	\$	773,303	35113
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	35114
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	35115
CAP-700	Coe Corrosion Coop	\$	58,750	35116
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	35117
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	35118
CAP-704	Warner Library and Student Center	\$	1,789,324	35119
CAP-705	Hopewell Hall Science Suite	\$	508,408	35120
CAP-706	Atomic Force Microscopy	\$	180,000	35121
CAP-707	Interactive Applications	\$	463,018	35122
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	35123
CAP-714	Health Psychology	\$	150,000	35124
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	35125
CAP-717	Center for Materials Design	\$	602,615	35126

CAP-718	Specialized Planetary Gears	\$	150,000	35127
CAP-719	OSU Agricultural Building	\$	1,500,000	35128
CAP-720	Automated Afm System	\$	180,000	35129
CAP-721	Integrated Wireless Communication	\$	141,000	35130
Total Ohio State University		\$	105,955,671	35131

BASIC RENOVATIONS 35132

The amount reappropriated for the foregoing appropriation 35133
item CAP-074, Basic Renovations, is the sum of the unencumbered 35134
and unallotted balance as of June 30, 2006, in appropriation item 35135
CAP-074, Basic Renovations, plus \$6,927. 35136

OARDC THORNE & GOURLEY HALL 35137

The amount reappropriated for the foregoing appropriation 35138
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 35139

WOOD COUNTY CENTER FOR AGRICULTURE 35140

Of the foregoing appropriation item CAP-628, Wood County 35141
Center for Agriculture, up to \$300,000 shall be used for building 35142
renovations to the OSU Extension Office/Ag Business Enhancement 35143
Center. 35144

Reappropriations

Section 252.80. OHU OHIO UNIVERSITY 35145

CAP-020	Basic Renovations	\$	3,869,311	35146
CAP-021	Conservancy District Assessment	\$	8,807	35147
CAP-086	Memorial Auditorium Rehabilitation	\$	10,033	35148
CAP-095	Basic Renovations - Eastern	\$	492,525	35149
CAP-099	Basic Renovations - Zanesville	\$	164,438	35150
CAP-113	Basic Renovations - Chillicothe	\$	393,668	35151
CAP-114	Basic Renovations - Ironton	\$	209,359	35152
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$	214,952	35153
CAP-117	Porter Hall Rehabilitation	\$	26,531	35154
CAP-119	Biomedical Research Center	\$	10,120	35155

CAP-120	Ridges Auditorium Rehabilitation	\$	1,177	35156
CAP-136	Gymnasium Development - Eastern	\$	89,067	35157
CAP-141	College of Health and Human Services	\$	8,693	35158
CAP-142	Health Professions Labs - Phase I	\$	66,354	35159
CAP-145	Asbestos Abatement	\$	5,094	35160
CAP-148	RTVC Building Asbestos Abatement	\$	1,037	35161
CAP-152	Gordy Hall Addition and Rehabilitation	\$	940	35162
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$	73,635	35163
CAP-157	ADA Modifications	\$	13,425	35164
CAP-160	ADA Modifications - Ironton	\$	9,113	35165
CAP-161	ADA Modifications - Lancaster	\$	20,345	35166
CAP-164	Southeast Library Warehouse	\$	85,367	35167
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	359,572	35168
CAP-183	Central Classroom Building	\$	36,595	35169
CAP-186	Ellis Hall Partial Renovation	\$	7,080	35170
CAP-189	Conference Center Planning - Lancaster	\$	500,358	35171
CAP-190	Center for Public Policy	\$	29,589	35172
CAP-191	District Water Cooling	\$	17,030	35173
CAP-192	Plant and Microbe Functional Genomics	\$	38,358	35174
	Facilities			
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182	35175
CAP-202	Putnam Hall Rehabilitation	\$	3,507	35176
CAP-206	Human Resources Training Center	\$	1,116	35177
CAP-208	Student Services	\$	15,278	35178
CAP-209	Creativity Through Technology	\$	147,891	35179
CAP-212	Exterior Site Improvement	\$	23,436	35180
CAP-213	Daycare Center	\$	447,950	35181
CAP-214	Science/Fine Arts Renovation - Phase 2	\$	874,713	35182
CAP-215	Land-Use Plan/Future Development	\$	5,100	35183
CAP-219	Mainframe Computing Alliance	\$	10,000	35184
CAP-221	Tunnel 5 Rehabilitation	\$	68,344	35185
CAP-222	Clippinger Lab Planning	\$	112,709	35186
CAP-223	Alden Library Planning	\$	150,000	35187

CAP-224	University Center Replacement	\$	113,900	35188
CAP-225	Lausche Heating Plant	\$	1,580,338	35189
CAP-226	New Grounds Maintenance Building	\$	259,064	35190
CAP-227	Chillicothe Parking & Roadway	\$	480,000	35191
CAP-228	Shoemaker Center Air Conditioning	\$	271,000	35192
CAP-230	Kettering Medical Center - Nixon	\$	450,000	35193
CAP-232	Child Care Matching Grant	\$	221,987	35194
Total Ohio University		\$	12,372,088	35195

BASIC RENOVATIONS 35196

The amount reappropriated for the foregoing appropriation 35197
item CAP-020, Basic Renovations, is the sum of the unencumbered 35198
and unallotted balance as of June 30, 2006, in appropriation item 35199
CAP-020, Basic Renovations, plus \$25,204. 35200

HEALTH PROFESSIONAL LABS - PHASE 1 35201

The amount reappropriated for the foregoing appropriation 35202
item CAP-142, Health Professions Labs - Phase 1, is the sum of the 35203
unencumbered and unallotted balance as of June 30, 2006, in 35204
appropriation item CAP-142, Health Professions LABS - Phase 1, 35205
plus \$33,046. 35206

GORDY HALL ADDITION & REHABILITATION 35207

The amount reappropriated for the foregoing appropriation 35208
item CAP-152, Gordy Hall Addition & Rehabilitation, is the sum of 35209
the unencumbered and unallotted balance as of June 30, 2006, in 35210
appropriation item CAP-152, Gordy Hall Addition & Rehabilitation, 35211
plus \$12,650. 35212

CENTER FOR PUBLIC POLICY 35213

The amount reappropriated for the foregoing appropriation 35214
item CAP-190, Center for Public Policy, is the sum of the 35215
unencumbered and unallotted balance as of June 30, 2006, in 35216
appropriation item CAP-190, Center for Public Policy, plus \$3,255. 35217

PUTNAM HALL REHABILITATION	35218
The amount reappropriated for the foregoing appropriation	35219
item CAP-202, Putnam Hall Rehabilitation, is the sum of the	35220
unencumbered and unallotted balance as of June 30, 2006, in	35221
appropriation item CAP-202, Putnam Hall Rehabilitation, plus	35222
\$5,482.	35223

Reappropriations

Section 252.90. SSC SHAWNEE STATE UNIVERSITY	35224
CAP-004 Basic Renovations \$ 612,759	35225
CAP-008 Massie Hall Renovation \$ 33,186	35226
CAP-010 Land Acquisition \$ 56,267	35227
CAP-016 Library Building \$ 10,777	35228
CAP-017 Math/Science Building \$ 10,065	35229
CAP-029 Fine Arts Class and Lab Building \$ 108,704	35230
CAP-030 Utilities and Landscaping \$ 4,679	35231
CAP-037 ADA Modifications \$ 53,188	35232
CAP-039 Central Heating Plant Replacement \$ 7,665	35233
CAP-040 Chiller Replacement \$ 12,054	35234
CAP-041 Kricker Hall Renovation \$ 1,932	35235
CAP-042 Sidewalk/Plaza Replacement \$ 250,276	35236
CAP-043 Communication/Data Upgrade \$ 23,079	35237
CAP-044 Land Acquisition \$ 571,511	35238
CAP-045 Rehabilitation of Health Sciences \$ 122,189	35239
Building - Phase I	
CAP-046 Digital Infrastructure \$ 55,803	35240
CAP-047 Natatorium Rehabilitation \$ 21,987	35241
CAP-048 Facilities Building Renovation \$ 223,120	35242
CAP-051 Rhodes Center Rehabilitation \$ 1,315,586	35243
Total Shawnee State University \$ 3,494,827	35244

LAND ACQUISITION	35245
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The amount reappropriated for the foregoing appropriation	35246
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item CAP-010, Land Acquisition, is the sum of the unencumbered and 35247
 unallotted balance as of June 30, 2006, in appropriation item 35248
 CAP-010, Land Acquisition, plus \$1,150. 35249

PLAZA/ROAD/LANDSCAPING 35250

The amount reappropriated for the foregoing appropriation 35251
 item CAP-035, Plaza/Road/Landscaping, shall be \$24,522. 35252

Reappropriations

Section 253.10. UTO UNIVERSITY OF TOLEDO 35253

CAP-010	Basic Renovations	\$	6,069,480	35254
CAP-073	ADA Modifications	\$	2,434	35255
CAP-077	Tribology	\$	192,296	35256
CAP-083	Bowman-Oddy Rehabilitation - Phase 2	\$	32,196	35257
CAP-091	Greenhouse Improvements	\$	11,675	35258
CAP-094	Plant Operations Renovation	\$	450,000	35259
CAP-096	Health & Human Services Rehabilitation - Phase I	\$	327,288	35260
CAP-105	Gillham Hall Rehabilitation	\$	2,999,373	35261
CAP-109	Student Services	\$	70,929	35262
CAP-110	Distributed Learning Courses	\$	858	35263
CAP-112	Campus Signage Improvements	\$	185,572	35264
CAP-115	Palmer Hall - 3rd Floor Classroom Renovations	\$	4,879	35265
CAP-116	Bowman-Oddy-North Wing Renovations	\$	695,909	35266
CAP-121	Emergency Phone System Upgrades	\$	29,895	35267
CAP-122	Bowman-Oddy Instructional Labs	\$	1,080,000	35268
CAP-125	University Computer Center Roof Replacement	\$	19,000	35269
CAP-126	Health & Human Services South Roof Replacement	\$	11,481	35270
CAP-127	Westwood Building Rehabilitation	\$	4,107,000	35271
CAP-128	Rocket Hall Renovation	\$	813,000	35272

CAP-129	Science - Lab Building	\$	3,006,304	35273
CAP-130	Rehabilitate/Expand Classroom Building	\$	2,200,000	35274
Total University of Toledo		\$	22,309,569	35275

HEALTH AND HUMAN SERVICES REHABILITATION - PHASE I 35276

The amount reappropriated for the foregoing appropriation 35277
item CAP-096, Health & Human Services Rehabilitation - Phase I, is 35278
the sum of the unencumbered and unallotted balance as of June 30, 35279
2006, in appropriation item CAP-096, Health & Human Services 35280
Rehabilitation - Phase I, plus \$19,808.11. 35281

Reappropriations

Section 253.20. WSU WRIGHT STATE UNIVERSITY 35282

CAP-015	Basic Renovations	\$	2,646,778	35283
CAP-064	Basic Renovations - Lake	\$	98,582	35284
CAP-080	Library Access Consolidation System	\$	4,400,080	35285
CAP-093	Information Technology Center	\$	23,860	35286
CAP-102	Specialized Communication	\$	7,791	35287
CAP-114	Environmental Technology Consortium	\$	6,298	35288
CAP-116	Rike Hall Renovation - Planning	\$	2,200,000	35289
CAP-117	Electrical Infrastructure - Phase 1	\$	305,296	35290
CAP-119	Science Lab Renovations - Planning	\$	5,898,819	35291
CAP-120	Lake Campus University Center	\$	2,007,909	35292
CAP-122	Accelerated Maturation of Materials	\$	26,621	35293
CAP-124	Video Analysis Content Extraction	\$	81,834	35294
CAP-127	Rehabilitate Festival Playhouse	\$	440,000	35295
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$	25,000	35296
CAP-130	Creative Arts HVAC Upgrade	\$	5,300	35297
CAP-131	Advanced Data Manager	\$	250,000	35298
CAP-132	Montgomery County Port Authority	\$	1,000,000	35299
Total Wright State University		\$	19,424,168	35300

BASIC RENOVATIONS 35301

The amount reappropriated for the foregoing appropriation 35302

item CAP-015, Basic Renovations, is the sum of the unencumbered 35303
and unallotted balance as of June 30, 2006, in appropriation items 35304
CAP-015, Basic Renovations; and CAP-071, New Academic Building. 35305

LIBRARY ACCESS CONSOLIDATION SYSTEM 35306

The amount reappropriated for the foregoing appropriation 35307
item CAP-080, Library Access Consolidation System, is the sum of 35308
the unencumbered and unallotted balance as of June 30, 2006, in 35309
appropriation item CAP-080, Library Access Consolidation System, 35310
plus \$81,413. 35311

Reappropriations

Section 253.30. YSU YOUNGSTOWN STATE UNIVERSITY 35312

CAP-014	Basic Renovations	\$	2,921,385	35313
CAP-066	Asbestos Abatement	\$	48,154	35314
CAP-099	Todd Hall Renovations	\$	146,979	35315
CAP-108	Electronic Campus	\$	2,722	35316
	Infrastructure/Technology			
CAP-112	Beeghly Center Rehabilitation	\$	13,429	35317
CAP-113	Campus Development	\$	1,430,337	35318
CAP-114	Chiller and Steamline Replacement - Phase 3	\$	92,003	35319
CAP-117	Ward Beecher/HVAC Upgrade	\$	133,987	35320
CAP-124	Classroom Updates	\$	155,948	35321
CAP-125	Campus - Wide Building System Upgrades	\$	858,349	35322
CAP-126	Technology Upgrades	\$	962,153	35323
CAP-130	Residential Technology Integration	\$	34,072	35324
CAP-131	Masonry Restoration	\$	111,580	35325
CAP-132	Youngstown Convocation Center	\$	2,000,000	35326
	Total Youngstown State University	\$	8,911,098	35327

BASIC RENOVATIONS 35328

The amount reappropriated for the foregoing appropriation 35329

item CAP-014, Basic Renovations, is the sum of the unencumbered 35330
and unallotted balance as of June 30, 2006, in appropriation item 35331
CAP-014, Basic Renovations, plus \$33,680. 35332

Reappropriations

Section 253.40. MCO MEDICAL UNIVERSITY OF OHIO 35333

CAP-049	Center for Classrooms of the Future	\$	5,169	35334
CAP-053	ADA Modifications	\$	1,531	35335
CAP-062	Waterproofing	\$	3,381	35336
CAP-066	Core Research Facility	\$	3,739,440	35337
CAP-076	Supplemental Renovations	\$	990,789	35338
CAP-078	Clinical Academic Renovation	\$	536,150	35339
CAP-080	2005 Campus Waterproof/Roof Replacements	\$	3,834	35340
Total Medical University of Ohio		\$	5,280,294	35341

Reappropriations

Section 253.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF 35343
MEDICINE 35344

CAP-018	Basic Renovations	\$	407,517	35345
CAP-022	Cooperating Regional Library Depository	\$	452,200	35346
CAP-042	Outdoor Athletic Facilities	\$	15,450	35347
CAP-048	Rehabilitation of Multidisciplinary Labs	\$	1,346,879	35348
CAP-049	Renovation of Liebelt and Olson Halls	\$	34,325	35349
Total Northeastern Ohio Universities College of		\$	2,256,371	35350

Medicine

REHAB OF MULTIDISCIPLINARY LABS 35351

The amount reappropriated for the foregoing appropriation 35352
item CAP-048, Rehabilitation of Multidisciplinary Labs, is the sum 35353
of the unencumbered and unallotted balances as of June 30, 2006, 35354
in appropriation items CAP-048, Rehabilitation of 35355
Multidisciplinary Labs and CAP-034, ADA Modifications, plus \$928. 35356

Reappropriations

Section 253.60. CWR CASE WESTERN RESERVE UNIVERSITY			35357
CAP-005	Northeast Ohio Biomedical Research Consortium	\$ 33,750	35358
CAP-013	Ohio MEMSnet	\$ 17,579	35359
CAP-016	Ohio Pharmacological Sciences Consortium	\$ 9,892	35360
CAP-022	Developing and Improving Institutional Animal Resources	\$ 64,144	35361
CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic Microdevices	\$ 11,002	35362
CAP-029	Consortium for Novel Microfabrication Methods of Mesoscale Devices in Non-Silicon Materials	\$ 10,612	35363
CAP-031	Research in Propulsion Systems for Future Vehicles	\$ 31,738	35364
CAP-032	Center for Fire & Explosion Science & Technology	\$ 32,749	35365
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$ 105,000	35366
CAP-039	Ohio Organic Semiconductor Consortium	\$ 67,749	35367
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$ 1,080	35368
CAP-043	Ohio Organic Semiconductor Consortium	\$ 500	35369
CAP-044	Stem Cell and Regenerative Medicine	\$ 500,000	35370
CAP-047	Condensed Matter Physics	\$ 500,000	35371
CAP-048	Center for Chemical Dynamics	\$ 159,076	35372
Total Case Western Reserve University		\$ 1,544,871	35373

Reappropriations

Section 253.70. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY COLLEGE			35375
COLLEGE			35376
CAP-008	Interior Renovations	\$ 2,258	35377
CAP-013	Basic Renovations	\$ 1,161,143	35378

CAP-016	Health Professions Building Planning	\$	1,468	35379
CAP-017	Instructional and Data Processing Equipment	\$	361,277	35380
CAP-030	Student Life/Education Building	\$	2,865,422	35381
CAP-032	Child Care Facility	\$	63,235	35382
CAP-035	Install Kiosks	\$	150,450	35383
CAP-037	Classroom Technology Enhancements	\$	792,372	35384
Total Cincinnati State Community College		\$	5,397,625	35385

Reappropriations

Section 253.80. CLT CLARK STATE COMMUNITY COLLEGE				35387
CAP-006	Basic Renovations	\$	1,099,828	35388
CAP-034	ADA Modifications	\$	28,451	35389
CAP-041	Student Technology Center	\$	1,270,607	35390
CAP-044	Child Care Matching Grant	\$	130,000	35391
Total Clark State Community College		\$	2,528,886	35392

Reappropriations

Section 253.90. CTI COLUMBUS STATE COMMUNITY COLLEGE				35394
CAP-006	Basic Renovations	\$	2,219,129	35395
CAP-033	Child Care Facility	\$	89,510	35396
CAP-040	Building "D" Planning	\$	2,285,557	35397
CAP-043	Building "E" Planning	\$	1,022,862	35398
CAP-053	Childcare Matching Grant	\$	75,000	35399
Total Columbus State Community College		\$	5,692,058	35400

BASIC RENOVATIONS 35401

The amount reappropriated for the foregoing appropriation 35402
item CAP-006, Basic Renovations, is the unencumbered and 35403
unallotted balance as of June 30, 2006, in appropriation item 35404
CAP-006, Basic Renovations, plus \$3,662. 35405

BUILDING "D" PLANNING 35406

The amount reappropriated for the foregoing appropriation 35407

item CAP-040, Building "D" Planning, is the unencumbered and 35408
 unallotted balance as of June 30, 2006, in appropriation item 35409
 CAP-040, Building "D" Planning, plus \$9,582. 35410

BUILDING "E" PLANNING 35411

The amount reappropriated for the foregoing appropriation 35412
 item CAP-043, Building "E" Planning, is the sum of the 35413
 unencumbered and unallotted balances as of June 30, 2006, in 35414
 appropriation items CAP-043, Building "E" Planning, and CAP-037, 35415
 Academic Center "C." 35416

Reappropriations

Section 254.10. CCC CUYAHOGA COMMUNITY COLLEGE 35417

CAP-031	Basic Renovations	\$	2,907,779	35418
CAP-064	Technology Learning Center - Western	\$	43,096	35419
CAP-073	Noncredit Job Training	\$	7,177	35420
CAP-076	Distance Learning	\$	139,287	35421
CAP-079	Cleveland Art Museum - Improvements	\$	3,000,000	35422
CAP-084	Literacy Initiative	\$	202,020	35423
CAP-090	Building A Expansion Module - Western	\$	5,689,241	35424
CAP-093	Corporate College East	\$	57,750	35425
CAP-094	College-Wide Wayfinding Signage System	\$	1,067,510	35426
CAP-095	College-Wide Asset Protection & Building	\$	1,491,522	35427
CAP-096	Healthcare Technology Building - Eastern	\$	6,050,264	35428
CAP-097	WVIZ Technical Center/Play House Square	\$	750,000	35429
Total Cuyahoga Community College		\$	21,405,646	35430

BASIC RENOVATIONS 35431

The amount reappropriated for the foregoing appropriation 35432
 item CAP-031, Basic Renovations, is the sum of the unencumbered 35433
 and unallotted balances as of June 30, 2006, in appropriation 35434
 items CAP-031, Basic Renovations; CAP-087, Center for Nursing and 35435
 Health Careers; CAP-088, Corporate College; and CAP-089, East I 35436

Renovations Phase 2 - Eastern. 35437

Reappropriations

Section 254.20. ESC EDISON STATE COMMUNITY COLLEGE			35438
CAP-006	Basic Renovations	\$ 649,311	35439
CAP-011	Roadway Construction	\$ 16,696	35440
CAP-014	Student Activities Area	\$ 13,398	35441
CAP-018	Master Plan Update	\$ 15,243	35442
CAP-021	Student Services	\$ 13,683	35443
Total Edison State Community College			\$ 708,331 35444

Reappropriations

Section 254.30. JTC JEFFERSON COMMUNITY COLLEGE			35446
CAP-022	Basic Renovations	\$ 210,806	35447
CAP-031	Law Enforcement/Engineering Lab Renovations	\$ 56,172	35448
CAP-041	Campus Master Plan	\$ 189,442	35449
Total Jefferson Community College			\$ 456,420 35450

Reappropriations

Section 254.40. LCC LAKELAND COMMUNITY COLLEGE			35452
CAP-006	Basic Renovations	\$ 1,148,687	35453
CAP-036	Noncredit Job Training	\$ 172,170	35454
CAP-037	Building East End Project	\$ 985,000	35455
CAP-038	HVAC Upgrades/Rehabilitation	\$ 960,300	35456
CAP-040	Roadway and Drainage Improvements	\$ 77,084	35457
CAP-043	Mooreland Educational Center Rehabilitation	\$ 65,150	35458
CAP-044	Industrial Skills Training Program	\$ 178,200	35459
CAP-045	Instructional Use Building	\$ 2,433,264	35460
Total Lakeland Community College			\$ 6,019,855 35461

Reappropriations

Section 254.50. LOR LORAIN COUNTY COMMUNITY COLLEGE			35463
CAP-005	Basic Renovations	\$ 909,693	35464
CAP-042	Virtual Lab Courses	\$ 84,970	35465
CAP-043	Great Lakes Business Growth Center	\$ 435,000	35466
CAP-044	Learning Technology Center	\$ 8,857,919	35467
Total Lorain County Community College			\$ 10,287,582 35468

BASIC RENOVATIONS 35469

The amount reappropriated for the foregoing appropriation 35470
 item CAP-005, Basic Renovation, is the sum of the unencumbered and 35471
 unallotted balance as of June 30, 2006, in appropriation item 35472
 CAP-005, Basic Renovations, plus \$23,600. 35473

Reappropriations

Section 254.60. NTC NORTHWEST STATE COMMUNITY COLLEGE			35474
CAP-003	Basic Renovations	\$ 525,209	35475
CAP-013	Classroom & Engineering Building	\$ 9,917	35476
CAP-022	Branch Campus Facility	\$ 400,000	35477
Total Northwest State Community College			\$ 935,126 35478

Reappropriations

Section 254.70. OTC OWENS COMMUNITY COLLEGE			35480
CAP-019	Basic Renovations	\$ 1,490,497	35481
CAP-037	Education Center	\$ 5,463	35482
CAP-039	Services Building Phase 2 - Finley	\$ 3,160,268	35483
Total Owens Community College			\$ 4,656,228 35484

Reappropriations

Section 254.80. RGC RIO GRANDE COMMUNITY COLLEGE			35486
CAP-005	Basic Renovations	\$ 1,027,918	35487
CAP-012	Instructional and Data Processing Equipment	\$ 72,035	35488
CAP-013	College of Business	\$ 998	35489

CAP-022	Child Care Facility	\$	35,000	35490
CAP-025	Student and Community Center	\$	125,000	35491
CAP-026	Supplemental Renovations	\$	200,000	35492
Total Rio Grande Community College		\$	1,460,951	35493

Reappropriations

Section 254.90. SCC SINCLAIR COMMUNITY COLLEGE				35495
CAP-007	Basic Renovations	\$	1,691,235	35496
CAP-034	Advanced Educational Applications Center - Phase I	\$	40,000	35497
CAP-042	Autolab/Fire Science Facility	\$	3,500	35498
CAP-055	Distance Learning	\$	1,870	35499
CAP-056	Information Literacy	\$	300,053	35500
CAP-061	Accelerated Product Development	\$	500,000	35501
Total Sinclair Community College		\$	2,536,658	35502

Reappropriations

Section 255.10. SOC SOUTHERN STATE COMMUNITY COLLEGE				35504
CAP-010	Basic Renovations	\$	81,365	35505
CAP-011	Supplemental Renovations	\$	100,000	35506
Total Southern State Community College		\$	181,365	35507

Reappropriations

Section 255.20. TTC TERRA STATE COMMUNITY COLLEGE				35509
CAP-009	Basic Renovations	\$	294,222	35510
CAP-015	Child Care Facility	\$	166,148	35511
CAP-018	Nursing Online	\$	3,873	35512
CAP-020	New Health and Science Building	\$	2,967,947	35513
Total Terra State Community College		\$	3,432,190	35514

Reappropriations

Section 255.30. WTC WASHINGTON STATE COMMUNITY COLLEGE				35516
CAP-006	Basic Renovations	\$	231,224	35517

CAP-009	Instructional and Data Processing Equipment	\$	92,363	35518
CAP-012	ADA Modifications	\$	14,575	35519
CAP-019	Industrial Certifications	\$	4,000	35520
CAP-020	Child Care Matching Grant	\$	43,000	35521
Total Washington State Community College		\$	385,162	35522

Reappropriations

Section 255.40. BTC BELMONT TECHNICAL COLLEGE				35524
CAP-008	Basic Renovations	\$	813,671	35525
CAP-014	Main Building Renovation - Phase 3	\$	49,137	35526
CAP-016	Industrial and Data Processing Equipment	\$	85,628	35527
CAP-019	ADA Modifications	\$	49,915	35528
Total Belmont Technical College		\$	998,351	35529

Reappropriations

Section 255.50. COT CENTRAL OHIO TECHNICAL COLLEGE				35531
CAP-003	Basic Renovations	\$	9,857	35532
CAP-013	Hopewell Hall Science Suite	\$	354,765	35533
CAP-014	Founders Hopewell Halls	\$	5,158	35534
Total Central Ohio Technical College		\$	369,780	35535

Reappropriations

Section 255.60. HTC HOCKING TECHNICAL COLLEGE				35537
CAP-019	Basic Renovations	\$	638,185	35538
CAP-024	Building Addition	\$	5,270	35539
CAP-027	Instructional and Data Processing Equipment	\$	288,546	35540
CAP-028	College Hall Rehabilitation	\$	3,769	35541
CAP-032	Public Safety Service	\$	57,065	35542
CAP-033	Light and Oakley Halls	\$	41,129	35543
CAP-039	Student Services	\$	9,752	35544
CAP-041	Flexible Manufacturing Center	\$	205,000	35545

CAP-042	McClenaghan Center Expansion	\$	1,283,437	35546
CAP-044	Hocking College Fire and Emergency Training Center	\$	250,000	35547
Total Hocking Technical College		\$	2,782,153	35548

Reappropriations

Section 255.70. LTC JAMES RHODES STATE COLLEGE				35550
CAP-004	Basic Renovations	\$	1,123,167	35551
CAP-006	Building Renovations	\$	5,000	35552
CAP-007	Training and Education Facility	\$	79,934	35553
CAP-008	Instructional and Data Processing Equipment	\$	290,732	35554
CAP-009	Life and Physical Sciences	\$	10,133	35555
Total James Rhodes State College		\$	1,508,965	35556

Reappropriations

Section 255.80. MAT ZANE STATE COLLEGE				35558
CAP-007	Basic Renovations	\$	498,234	35559
CAP-017	Basic Capacity Grant	\$	1,390,645	35560
CAP-021	Lighting/HVAC Replacement	\$	175,000	35561
Total Zane State College		\$	2,063,879	35562

Reappropriations

Section 255.90. MTC MARION TECHNICAL COLLEGE				35564
CAP-004	Basic Renovations	\$	103,485	35565
CAP-006	Instructional and Data Processing Equipment	\$	71,786	35566
CAP-012	Technical Education Center	\$	38,622	35567
Total Marion Technical College		\$	213,893	35568

Reappropriations

Section 256.10. NCC NORTH CENTRAL TECHNICAL COLLEGE				35570
CAP-003	Basic Renovations	\$	586,030	35571

CAP-009	ADA Modifications	\$	25,000	35572
CAP-013	Engineering Center Renovation	\$	6,272	35573
CAP-014	Kee Hall Roof Replacement	\$	509,000	35574
CAP-015	Richland/Braintree Incubator	\$	250,000	35575
CAP-018	Fallerius Center Rehabilitation	\$	482,406	35576
Total North Central Technical College		\$	1,858,708	35577

BASIC RENOVATIONS 35578

The amount reappropriated for the foregoing appropriation 35579
item CAP-003, Basic Renovations, is the sum of the unencumbered 35580
and unallotted balance as of June 30, 2006, in appropriation item 35581
CAP-003, Basic Renovations, plus \$5,563. 35582

FALLERIUS CENTER REHABILITATION 35583

The amount reappropriated for the foregoing appropriation 35584
item CAP-018, Fallerius Center Rehabilitation, is the sum of the 35585
unencumbered and unallotted balance as of June 30, 2006, in 35586
appropriation item CAP-018, Fallerius Center Phase II 35587
Rehabilitation, plus \$7,797. 35588

Reappropriations

Section 256.20. STC STARK TECHNICAL COLLEGE 35589

CAP-004	Basic Renovations	\$	496,210	35590
CAP-027	Information Technology Learning Center	\$	921	35591
CAP-037	Fuel Cell Initiative	\$	2,862	35592
CAP-038	General Study Faculty Offices	\$	1,378,892	35593
Total Stark Technical College		\$	1,878,885	35594
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	491,699,205	35595

Section 256.30. For all of the foregoing appropriation items 35597
from the Higher Education Improvement Fund (Fund 034) that require 35598
local funds to be contributed by any state-supported or 35599
state-assisted institution of higher education, the Board of 35600
Regents shall not recommend that any funds be released until the 35601

recipient institution demonstrates to the Board of Regents and the 35602
Office of Budget and Management that the local funds contribution 35603
requirement has been secured or satisfied. The local funds shall 35604
be in addition to the foregoing appropriations. 35605

Section 256.40. None of the foregoing capital improvements 35606
appropriations for state-supported or state-assisted institutions 35607
of higher education shall be expended until the particular 35608
appropriation has been recommended for release by the Board of 35609
Regents and released by the Director of Budget and Management or 35610
the Controlling Board. Either the institution concerned, or the 35611
Board of Regents with the concurrence of the institution 35612
concerned, may initiate the request to the Director of Budget and 35613
Management or the Controlling Board for the release of the 35614
particular appropriations. 35615

Section 256.50. (A) No capital improvement appropriations 35616
made in Sections 251.30 to 256.80, 289.10, 289.20, 291.10, and 35617
291.20 of this act shall be released for planning or for 35618
improvement, renovation, construction, or acquisition of capital 35619
facilities if the institution of higher education or the state 35620
does not own the real property on which the capital facilities are 35621
or will be located. This restriction does not apply in any of the 35622
following circumstances: 35623

(1) The institution has a long-term (at least fifteen years) 35624
lease of, or other interest (such as an easement) in, the real 35625
property. 35626

(2) The Board of Regents certifies to the Controlling Board 35627
that undue delay will occur if planning does not proceed while the 35628
property or property interest acquisition process continues. In 35629
this case, funds may be released upon approval of the Controlling 35630
Board to pay for planning through the development of schematic 35631

drawings only. 35632

(3) In the case of an appropriation for capital facilities 35633
that, because of their unique nature or location, will be owned or 35634
will be part of facilities owned by a separate nonprofit 35635
organization or public body and made available to the institution 35636
of higher education for its use, the nonprofit organization or 35637
public body either owns or has a long-term (at least fifteen 35638
years) lease of the real property or other capital facility to be 35639
improved, renovated, constructed, or acquired and has entered into 35640
a joint or cooperative use agreement, approved by the Board of 35641
Regents, with the institution of higher education that meets the 35642
requirements of division (C) of this section. 35643

(B) Any foregoing appropriations which require cooperation 35644
between a technical college and a branch campus of a university 35645
may be released by the Controlling Board upon recommendation by 35646
the Board of Regents that the facilities proposed by the 35647
institutions are: 35648

(1) The result of a joint planning effort by the university 35649
and the technical college, satisfactory to the Board of Regents; 35650

(2) Facilities that will meet the needs of the region in 35651
terms of technical and general education, taking into 35652
consideration the totality of facilities which will be available 35653
after the completion of these projects; 35654

(3) Planned to permit maximum joint use by the university and 35655
technical college of the totality of facilities which will be 35656
available upon their completion; 35657

(4) To be located on or adjacent to the branch campus of the 35658
university. 35659

(C) In the case of capital facilities referred to in division 35660
(A)(3) of this section, the joint or cooperative use agreements 35661

shall include, as a minimum, provisions that: 35662

(1) Specify the extent and nature of that joint or 35663
cooperative use, extending for not fewer than fifteen years, with 35664
the value of such use or right to use to be, as determined by the 35665
parties and approved by the Board of Regents, reasonably related 35666
to the amount of the appropriations; 35667

(2) Provide for pro rata reimbursement to the state should 35668
the arrangement for joint or cooperative use be terminated; 35669

(3) Provide that procedures to be followed during the capital 35670
improvement process will comply with appropriate applicable state 35671
laws and rules, including provisions of this act; 35672

(4) Provide for payment or reimbursement to the institution 35673
of its administrative costs incurred as a result of the facilities 35674
project, not to exceed 1.5 per cent of the appropriated amount. 35675

(D) Upon the recommendation of the Board of Regents, the 35676
Controlling Board may approve the transfer of appropriations for 35677
projects requiring cooperation between institutions from one 35678
institution to another institution, with the approval of both 35679
institutions. 35680

(E) Notwithstanding section 127.14 of the Revised Code, the 35681
Controlling Board, upon the recommendation of the Board of 35682
Regents, may transfer amounts appropriated to the Board of Regents 35683
to accounts of state-supported or state-assisted institutions 35684
created for that same purpose. 35685

Section 256.60. The requirements of Chapters 123. and 153. of 35686
the Revised Code, with respect to the powers and duties of the 35687
Director of Administrative Services in the procedure for and award 35688
of contracts for capital improvement projects, and the 35689
requirements of section 127.16 of the Revised Code, with respect 35690
to the Controlling Board, do not apply to projects of community 35691

college districts and technical college districts. 35692

Section 256.70. Those institutions locally administering 35693
capital improvement projects pursuant to sections 3345.50 and 35694
3345.51 of the Revised Code may: 35695

(A) Establish charges for recovering costs directly related 35696
to project administration as defined by the Director of 35697
Administrative Services. The Department of Administrative Services 35698
shall review and approve these administrative charges when such 35699
charges are in excess of 1.5 per cent of the total construction 35700
budget. 35701

(B) Seek reimbursement from state capital appropriations to 35702
the institution for the in-house design services performed by the 35703
institution for such capital projects. Acceptable charges shall be 35704
limited to design document preparation work that is done by the 35705
institution. These reimbursable design costs shall be shown as 35706
"A/E fees" within the project's budget that is submitted to the 35707
Controlling Board or the Director of Budget and Management as part 35708
of a request for release of funds. The reimbursement for in-house 35709
design may not exceed seven per cent of the estimated construction 35710
cost. 35711

Section 256.80. The Board of Regents shall adopt rules 35712
regarding the release of moneys from all the foregoing 35713
appropriations for capital facilities for all state-supported and 35714
state-assisted institutions of higher education. 35715

Section 259.10. All items set forth in this section are 35716
hereby appropriated out of any moneys in the state treasury to the 35717
credit of the Parks and Recreation Improvement Fund (Fund 035) 35718
that are not otherwise appropriated: 35719

Reappropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		35720
CAP-004	Burr Oak State Park	\$ 177,314	35721
CAP-005	Cowan Lake State Park	\$ 3,680	35722
CAP-011	Findley State Park	\$ 22,856	35723
CAP-012	Land Acquisition	\$ 243,663	35724
CAP-016	Hueston Woods State Park	\$ 5,733	35725
CAP-017	Indian Lake State Park	\$ 15,388	35726
CAP-019	Lake Hope State Park	\$ 7,276	35727
CAP-025	Punderson State Park	\$ 6,263	35728
CAP-029	Salt Fork State Park	\$ 799	35729
CAP-045	Mary J. Thurston State Park Marina/Dock	\$ 301,000	35730
CAP-051	Buck Creek State Park	\$ 750	35731
CAP-064	Geneva State Park	\$ 24,592	35732
CAP-069	Hocking Hills State Park	\$ 525	35733
CAP-093	Portage Lakes State Park	\$ 143,310	35734
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000	35735
CAP-162	Shawnee State Park	\$ 760	35736
CAP-205	Deer Creek State Park	\$ 128,551	35737
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 4,169,570	35738
CAP-331	Park Boating Facilities	\$ 9,195,011	35739
CAP-390	State Park Maintenance Facility Development	\$ 737,751	35740
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 4,000,000	35741
CAP-702	Upgrade Underground Storage Tanks	\$ 247,976	35742
CAP-703	Cap Abandoned Water Wells	\$ 1,495	35743
CAP-716	Muskingum River Lock and Dam	\$ 180,000	35744
CAP-718	Grand Lake St. Mary's State Park	\$ 451,882	35745
CAP-719	Indian Lake State Park	\$ 16,480	35746
CAP-727	Riverfront Improvements	\$ 1,005,000	35747
CAP-744	Multi-Agency Radio Communication Equipment	\$ 425,000	35748

CAP-748	Local Parks Projects	\$	1,228,825	35749
CAP-787	Scioto Riverfront Improvements	\$	33,861	35750
CAP-790	Paint Creek State Park Campground	\$	2,300	35751
	Electricity			
CAP-821	State Park Dredging and Shoreline	\$	14,000	35752
	Protection			
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	35753
CAP-845	Caesar Creek State Park	\$	109,575	35754
CAP-848	Hazardous Dam Repair/Statewide	\$	1,325,000	35755
CAP-876	Statewide Trails Program	\$	1,889,848	35756
CAP-927	Mohican State Park	\$	72,470	35757
CAP-928	Handicapped Accessibility	\$	50,000	35758
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	35759
CAP-931	Wastewater/Water Systems Upgrade	\$	3,604,700	35760
	Total Department of Natural Resources	\$	31,742,587	35761
	TOTAL Parks and Recreation Improvement Fund	\$	31,742,587	35762

Section 259.20. RIVERFRONT IMPROVEMENTS 35764

Of the foregoing reappropriation item CAP-727, Riverfront 35765
Improvements, \$1,000,000 shall be used for the Riverfront West 35766
Park Development - Cincinnati Park Board, Hamilton County. 35767

LOCAL PARKS PROJECTS 35768

The following projects shall be funded from the foregoing 35769
reappropriation item CAP-748, Local Parks Projects: \$50,000 for 35770
Liberty Township Playground project; \$25,000 for the Cleveland 35771
Police and Firefighters Memorial Park project; \$750,000 for the 35772
Banks Park project; \$25,000 for the Early Hill Park project; 35773
\$10,000 for the Wellington Soccer Field Park project; and \$10,000 35774
for the Greenwich Township Baseball Field Park Improvements 35775
project. 35776

STATEWIDE TRAILS PROGRAM 35777

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 35808
does not apply in any of the following circumstances: 35809

(1) The governmental agency has a long-term (at least fifteen 35810
years) lease of, or other interest (such as an easement) in, the 35811
real property. 35812

(2) In the case of an appropriation for capital facilities 35813
for parks and recreation that, because of their unique nature or 35814
location, will be owned or will be part of facilities owned by a 35815
separate nonprofit organization and made available to the 35816
governmental agency for its use, the nonprofit organization either 35817
owns or has a long-term (at least fifteen years) lease of the real 35818
property or other capital facility to be improved, renovated, 35819
constructed, or acquired and has entered into a joint or 35820
cooperative use agreement, approved by the Department of Natural 35821
Resources, with the governmental agency for that agency's use of 35822
and right to use the capital facilities to be financed and, if 35823
applicable, improved, the value of such use or right to use being, 35824
as determined by the parties, reasonably related to the amount of 35825
the appropriation. 35826

(B) In the case of capital facilities referred to in division 35827
(A)(2) of this section, the joint or cooperative use agreement 35828
shall include, as a minimum, provisions that: 35829

(1) Specify the extent and nature of that joint or 35830
cooperative use, extending for not fewer than fifteen years, with 35831
the value of such use or right to use to be, as determined by the 35832
parties and approved by the applicable department, reasonably 35833
related to the amount of the appropriation; 35834

(2) Provide for pro rata reimbursement to the state should 35835
the arrangement for joint or cooperative use by a governmental 35836
agency be terminated; and 35837

(3) Provide that procedures to be followed during the capital 35838
improvement process will comply with appropriate applicable state 35839
laws and rules, including provisions of this act. 35840

Section 263.10. All items set forth in this section are 35841
hereby appropriated out of any moneys in the state treasury to the 35842
credit of the State Capital Improvements Fund (Fund 038) that are 35843
not otherwise appropriated: 35844

Reappropriations

PWC PUBLIC WORKS COMMISSION 35845

Ohio Small Government Capital Improvement Commission 35846

CAP-150	Local Public Infrastructure	\$	6,650,225	35847
CIF-000	Ohio Small Government Capital Improvement	\$	25,422,212	35848
CIF-001	Infrastructure - District 1	\$	31,170,885	35849
CIF-002	Infrastructure - District 2	\$	12,243,374	35850
CIF-003	Infrastructure - District 3	\$	21,652,949	35851
CIF-004	Infrastructure - District 4	\$	11,447,335	35852
CIF-005	Infrastructure - District 5	\$	8,542,288	35853
CIF-006	Infrastructure - District 6	\$	10,958,857	35854
CIF-007	Infrastructure - District 7	\$	12,155,980	35855
CIF-008	Infrastructure - District 8	\$	12,272,116	35856
CIF-009	Infrastructure - District 9	\$	7,541,982	35857
CIF-010	Infrastructure - District 10	\$	20,352,120	35858
CIF-011	Infrastructure - District 11	\$	11,000,253	35859
CIF-012	Infrastructure - District 12	\$	9,703,960	35860
CIF-013	Infrastructure - District 13	\$	6,051,165	35861
CIF-014	Infrastructure - District 14	\$	5,871,489	35862
CIF-015	Infrastructure - District 15	\$	8,298,905	35863
CIF-016	Infrastructure - District 16	\$	11,218,488	35864
CIF-017	Infrastructure - District 17	\$	8,580,458	35865
CIF-018	Infrastructure - District 18	\$	7,050,617	35866
CIF-019	Infrastructure - District 19	\$	9,556,745	35867

CIF-020	Emergency Set Aside	\$	4,616,381	35868
CIF-021	Small Counties Program	\$	381,676	35869
Total Public Works Commission		\$	262,740,460	35870
TOTAL State Capital Improvement Fund		\$	262,740,460	35871

The appropriations in this section shall be used in 35872
accordance with sections 164.01 to 164.12 of the Revised Code. All 35873
expenditures made from these appropriations shall be approved by 35874
the Director of the Public Works Commission. The Director of the 35875
Public Works Commission shall not allocate funds in amounts 35876
greater than those amounts appropriated by the General Assembly. 35877

Section 265.10. All items set forth in this section are 35878
hereby appropriated out of any moneys in the state treasury to the 35879
credit of the State Capital Improvements Revolving Loan Fund (Fund 35880
040) and derived from repayments of loans made to local 35881
subdivisions for capital improvements, investment earnings on 35882
moneys in the fund, and moneys obtained from federal or private 35883
grants or from other sources for the purpose of making loans for 35884
the purpose of financing or assisting in the financing of the cost 35885
of capital improvement projects of local subdivisions: 35886

Reappropriations

PWC PUBLIC WORKS COMMISSION				35887
CAP-151	Revolving Loan	\$	509,862	35888
RLF-001	Revolving Loan Fund-District 1	\$	8,126,096	35889
RLF-002	Revolving Loan Fund-District 2	\$	5,380,729	35890
RLF-003	Revolving Loan Fund-District 3	\$	8,530,418	35891
RLF-004	Revolving Loan Fund-District 4	\$	4,146,430	35892
RLF-005	Revolving Loan Fund-District 5	\$	2,409,654	35893
RLF-006	Revolving Loan Fund-District 6	\$	2,262,865	35894
RLF-007	Revolving Loan Fund-District 7	\$	2,979,413	35895
RLF-008	Revolving Loan Fund-District 8	\$	2,284,775	35896
RLF-009	Revolving Loan Fund-District 9	\$	2,373,304	35897
RLF-010	Revolving Loan Fund-District 10	\$	3,934,237	35898

RLF-011	Revolving Loan Fund-District 11	\$	2,606,192	35899
RLF-012	Revolving Loan Fund-District 12	\$	3,766,538	35900
RLF-013	Revolving Loan Fund-District 13	\$	1,194,287	35901
RLF-014	Revolving Loan Fund-District 14	\$	1,811,638	35902
RLF-015	Revolving Loan Fund-District 15	\$	1,483,685	35903
RLF-016	Revolving Loan Fund-District 16	\$	2,576,025	35904
RLF-017	Revolving Loan Fund-District 17	\$	2,410,368	35905
RLF-018	Revolving Loan Fund-District 18	\$	2,692,408	35906
RLF-019	Revolving Loan Fund-District 19	\$	1,984,226	35907
RLF-020	Small Government Program	\$	2,030,053	35908
RLF-021	Emergency Program	\$	153,272	35909
Total Public Works Commission		\$	65,646,475	35910
TOTAL State Capital Improvements Revolving Loan		\$	65,646,475	35911
Fund				

The appropriations in this section shall be used in 35912
accordance with sections 164.01 to 164.12 of the Revised Code. All 35913
expenditures made from these appropriations shall be approved by 35914
the Director of the Public Works Commission. The Director of the 35915
Public Works Commission shall not allocate funds in amounts 35916
greater than those amounts appropriated by the General Assembly. 35917

Section 265.20. All items set forth in this section are 35918
hereby appropriated out of any moneys in the state treasury to the 35919
credit of the Clean Ohio Conservation Fund (Fund 056) that are not 35920
otherwise appropriated: 35921

Reappropriations

PWC PUBLIC WORKS COMMISSION				35922
COF-001	Clean Ohio-District 1	\$	4,283,924	35923
COF-002	Clean Ohio-District 2	\$	2,156,940	35924
COF-003	Clean Ohio-District 3	\$	4,871,620	35925
COF-004	Clean Ohio-District 4	\$	1,883,778	35926
COF-005	Clean Ohio-District 5	\$	2,526,379	35927
COF-006	Clean Ohio-District 6	\$	1,814,066	35928

COF-007	Clean Ohio-District 7	\$	477,005	35929
COF-008	Clean Ohio-District 8	\$	1,654,808	35930
COF-009	Clean Ohio-District 9	\$	101,338	35931
COF-010	Clean Ohio-District 10	\$	2,158,673	35932
COF-011	Clean Ohio-District 11	\$	2,601,882	35933
COF-012	Clean Ohio-District 12	\$	884,124	35934
COF-013	Clean Ohio-District 13	\$	2,746,579	35935
COF-014	Clean Ohio-District 14	\$	4,056,729	35936
COF-015	Clean Ohio-District 15	\$	1,987,710	35937
COF-016	Clean Ohio-District 16	\$	2,772,449	35938
COF-017	Clean Ohio-District 17	\$	2,862,321	35939
COF-018	Clean Ohio-District 18	\$	3,096,644	35940
COF-019	Clean Ohio-District 19	\$	379,417	35941
Total Public Works Commission		\$	43,316,386	35942
TOTAL Clean Ohio Conservation Fund		\$	43,316,386	35943

Section 267.10. All items set forth in this section are 35945
hereby appropriated out of any moneys in the state treasury to the 35946
credit of the Clean Ohio Agricultural Easement Fund (Fund 057) 35947
that are not otherwise appropriated: 35948

Reappropriations

AGR DEPARTMENT OF AGRICULTURE				35949
CAP-047	Clean Ohio Agricultural Easement	\$	5,892,856	35950
Total Department of Agriculture		\$	5,892,856	35951
TOTAL Clean Ohio Agricultural Easement Fund		\$	5,892,856	35952

AGRICULTURAL EASEMENT PURCHASE 35953

The foregoing appropriation item CAP-047, Clean Ohio 35954
Agricultural Easement, shall be used in accordance with sections 35955
901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 35956

Section 269.10. All items set forth in this section are 35957
hereby appropriated out of any moneys in the state treasury to the 35958

credit of the Clean Ohio Trail Fund (Fund 061) that are not 35959
otherwise appropriated: 35960

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES			35961
CAP-014	Clean Ohio Trail Fund	\$ 6,344,000	35962
Total Department of Natural Resources			\$ 6,344,000 35963
TOTAL Clean Ohio Trail Fund			\$ 6,344,000 35964

Section 269.20. CLEAN OHIO TRAIL 35966

The amount reappropriated for the foregoing appropriation 35967
item CAP-014, Clean Ohio Trail, is \$700,000 plus the unencumbered 35968
and unallotted balance as of June 30, 2006, in item CAP-014, Clean 35969
Ohio Trail. The \$700,000 represents amounts that were previously 35970
appropriated, allocated to nonprofit organizations and local 35971
political subdivisions pursuant to division (C) of section 1519.05 35972
of the Revised Code, and encumbered for local project grants. The 35973
encumbrances for these local projects shall be cancelled by the 35974
Director of Natural Resources or the Director of Budget and 35975
Management. The Director of Natural Resources shall allocate the 35976
\$700,000 to new local project grants meeting the requirements of 35977
section 1519.05 of the Revised Code. 35978

Section 271.10. All items set forth in this section are 35979
hereby appropriated out of any moneys in the state treasury to the 35980
credit of the Clean Ohio Revitalization Fund (Fund 003) that are 35981
not otherwise appropriated: 35982

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			35983
CAP-001	Clean Ohio Revitalization	\$ 43,000,000	35984
CAP-002	Clean Ohio Assistance	\$ 10,000,000	35985
Total Department of Development			\$ 53,000,000 35986
TOTAL Clean Ohio Assistance Fund			\$ 53,000,000 35987

Section 271.20. CLEAN OHIO REVITALIZATION 35989

The Treasurer of State is hereby authorized to issue and 35990
sell, in accordance with Section 2o of Article VIII, Ohio 35991
Constitution, and pursuant to sections 151.01 and 151.40 of the 35992
Revised Code, original obligations in an aggregate principal 35993
amount not to exceed \$50,000,000, in addition to the original 35994
issuance of obligations heretofore authorized by prior acts of the 35995
General Assembly. These authorized obligations shall be issued and 35996
sold from time to time, subject to applicable constitutional and 35997
statutory limitations, as needed to ensure sufficient moneys to 35998
the credit of the Clean Ohio Revitalization Fund (Fund 003) to pay 35999
costs of revitalization projects. 36000

Section 273.10. All items set forth in this section are 36001
hereby appropriated out of any moneys in the state treasury to the 36002
credit of the Job Ready Sites Fund (Fund 012) that are not 36003
otherwise appropriated: 36004

Appropriations

DEV DEPARTMENT OF DEVELOPMENT		36005
CAP-003 Job Ready Sites	\$ 30,000,000	36006
Total Department of Development	\$ 30,000,000	36007
TOTAL Job Ready Sites Fund	\$ 30,000,000	36008

Section 273.20. JOB READY SITES DEVELOPMENT 36010

The Ohio Public Facilities Commission, upon request of the 36011
Department of Development, is hereby authorized to issue and sell, 36012
in accordance with Section 2p of Article VIII, Ohio Constitution, 36013
and pursuant to sections 151.01 and 151.11 of the Revised Code, 36014
original obligations of the State of Ohio in an aggregate amount 36015
not to exceed \$30,000,000 in addition to the original issuance of 36016
obligations heretofore authorized by prior acts of the General 36017
Assembly. These authorized obligations shall be issued and sold 36018

from time to time, subject to applicable constitutional and 36019
 statutory limitations, as needed to ensure sufficient moneys to 36020
 the credit of the Job Ready Sites Fund (Fund 012) to pay costs of 36021
 sites and facilities. 36022

Section 275.10. All items set forth in this section are 36023
 hereby appropriated out of any moneys in the state treasury to the 36024
 credit of the Public School Building Fund (Fund 021) that are not 36025
 otherwise appropriated: 36026

Appropriations

SFC SCHOOL FACILITIES COMMISSION 36027

CAP-622	Public School Building	\$	80,000,000	36028
	Total School Facilities Commission	\$	80,000,000	36029
	TOTAL Public School Building Fund	\$	80,000,000	36030

Section 277.10. All items set forth in this section are 36032
 hereby appropriated out of any moneys in the state treasury to the 36033
 credit of the Administrative Building Fund (Fund 026) that are not 36034
 otherwise appropriated: 36035

Appropriations

CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 36036

CAP-020	Cupola Gutters and Ancillary Roof	\$	380,000	36037
	Improvements			
CAP-021	Exterior Walkway Plaza Repairs	\$	1,159,000	36038
CAP-023	ADA Specific Sidewalk Ramp Replacement	\$	71,500	36039
	Total Capitol Square Review and Advisory Board	\$	1,610,500	36040

Appropriations

EXP EXPOSITIONS COMMISSION 36041

CAP-073	Asset Procurement	\$	500,000	36042
	Total Expositions Commission	\$	500,000	36043

36044

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			36045
CAP-744	MARCS Equipment	\$ 1,000,000	36046
Total Department of Natural Resources			\$ 1,000,000 36047
TOTAL Administrative Building Fund			\$ 3,110,500 36048

Section 277.20. ADMINISTRATIVE BUILDINGS 36050

The Ohio Building Authority is hereby authorized to issue and 36051
sell, in accordance with Section 2i of Article VIII, Ohio 36052
Constitution, and Chapter 152. and other applicable sections of 36053
the Revised Code, original obligations in an aggregate principal 36054
amount not to exceed \$4,000,000 in addition to the original 36055
issuance of obligations heretofore authorized by prior acts of the 36056
General Assembly. These authorized obligations shall be issued and 36057
sold from time to time, subject to applicable constitutional and 36058
statutory limitations, as needed to ensure sufficient moneys to 36059
the credit of the Administrative Building Fund (Fund 026) to pay 36060
costs of authorized capital facilities. 36061

Section 279.10. All items set forth in this section are 36062
hereby appropriated out of any moneys in the state treasury to the 36063
credit of the Adult Correctional Building Fund (Fund 027) that are 36064
not otherwise appropriated: 36065

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			36066
CAP-008	Powerhouse/Utility Improvements	\$ 1,147,237	36067
CAP-009	Water System/Plant Improvements	\$ 3,510,000	36068
CAP-017	Security Improvements - Statewide	\$ 7,191,750	36069
CAP-111	General Building Renovations	\$ 16,176,003	36070
CAP-238	Electric System Upgrade	\$ 2,000,000	36071
Total Department of Rehabilitation and Correction			\$ 30,024,990 36072
TOTAL Adult Correctional Building Fund			\$ 30,024,990 36073

Section 279.20. DRC - ADULT CORRECTION BUILDINGS 36075

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		36092
CAP-801 Fire Suppression/Safety/Security	\$ 1,750,000	36093
Total Department of Youth Services	\$ 1,750,000	36094
TOTAL Juvenile Correctional Building Fund	\$ 1,750,000	36095

Section 281.20. DYS - JUVENILE CORRECTION BUILDINGS 36097

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 36106
the credit of the Juvenile Correctional Building Fund (Fund 028) 36107
to pay costs of juvenile correction related capital facilities. 36108

Section 283.10. All items set forth in this section are 36109
hereby appropriated out of any moneys in the state treasury to the 36110
credit of the Ohio Parks and Natural Resources Fund (Fund 031) 36111
that are not otherwise appropriated: 36112

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			36113
CAP-753	Project Planning	\$ 1,050,000	36114
CAP-881	DAM Rehabilitation	\$ 4,000,000	36115
Total Department of Natural Resources		\$ 5,050,000	36116
TOTAL Ohio Parks and Natural Resources Fund		\$ 5,050,000	36117

Section 283.20. DNR - NATUREWORKS 36119

The Ohio Public Facilities Commission is hereby authorized to 36120
issue and sell, in accordance with Section 21 of Article VIII, 36121
Ohio Constitution, and pursuant to sections 151.01 and 151.05 of 36122
the Revised Code, original obligations of the State of Ohio in an 36123
aggregate amount not to exceed \$5,000,000 in addition to the 36124
original issuance of obligations heretofore authorized by prior 36125
acts of the General Assembly. These authorized obligations shall 36126
be issued and sold from time to time, subject to applicable 36127
constitutional and statutory limitations, as needed to ensure 36128
sufficient moneys to the credit of the Ohio Parks and Natural 36129
Resources Fund (Fund 031) to pay costs of natural resources 36130
capital improvements. 36131

Section 285.10. All items set forth in this section are 36132
hereby appropriated out of any moneys in the state treasury to the 36133
credit of the School Building Program Assistance Fund (Fund 032) 36134
that are not otherwise appropriated: 36135

	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		36136
CAP-770 School Facilities Program Assistance	\$ 585,000,000	36137
Total School Facilities Commission	\$ 585,000,000	36138
TOTAL School Building Program Assistance Fund	\$ 585,000,000	36139

Section 285.20. PUBLIC SCHOOL BUILDING ASSISTANCE 36141

The Ohio Public Facilities Commission is hereby authorized to 36142
issue and sell, in accordance with Section 2n of Article VIII, 36143
Ohio Constitution, and pursuant to sections 151.01 and 151.03 of 36144
the Revised Code, original obligations of the State of Ohio in an 36145
aggregate amount not to exceed \$580,000,000 in addition to the 36146
original issuance of obligations heretofore authorized by prior 36147
acts of the General Assembly. These authorized obligations shall 36148
be issued and sold from time to time, subject to applicable 36149
constitutional and statutory limitations, as needed to ensure 36150
sufficient moneys to the credit of the School Building Program 36151
Assistance Fund (Fund 032) to pay the State's share of the costs 36152
of capital facilities for a system of common schools throughout 36153
the State. 36154

Section 287.10. All items set forth in this section are 36155
hereby appropriated out of any moneys in the state treasury to the 36156
credit of the Mental Health Facilities Improvement Fund (Fund 033) 36157
that are not otherwise appropriated: 36158

	Appropriations	
DMH DEPARTMENT OF MENTAL HEALTH		36159
CAP-986 Campus Consolidation	\$ 5,500,000	36160
Total Department of Mental Health	\$ 5,500,000	36161
TOTAL Mental Health Facilities Improvement Fund	\$ 5,500,000	36162

Section 287.20. DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT 36164
FUND 033 36165

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 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$5,000,000, 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 Mental Health Facilities Improvement Fund (Fund 033) to pay costs of capital facilities for mental hygiene and retardation.

Section 289.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) that are not otherwise appropriated. The appropriations made in this act are in addition to any other capital appropriations made for the 2007-2008 biennium.

Appropriations

BOR BOARD OF REGENTS			
Higher Education Improvement Fund			
CAP-029	Ohio Library and Information Network	\$ 3,500,000	
CAP-068	Third Frontier Project	\$ 50,000,000	
Total Board of Regents		\$ 53,500,000	
TOTAL Higher Education Improvement Fund		\$ 53,500,000	

Section 289.20. BOR - HIGHER EDUCATION IMPROVEMENT

The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII,

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 appropriations made in Section 289.10 are 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) 36255
to pay costs of capital facilities for parks and recreation. 36256

Section 295.10. All items set forth in this section are 36257
hereby appropriated out of any moneys in the state treasury to the 36258
credit of the State Capital Improvements Fund (Fund 038) that are 36259
not otherwise appropriated: 36260

	Appropriations	
PWC PUBLIC WORKS COMMISSION		36261
CAP-150 Local Public Infrastructure	\$ 120,000,000	36262
Total Public Works Commission	\$ 120,000,000	36263
TOTAL State Capital Improvements Fund	\$ 120,000,000	36264

The foregoing appropriation item CAP-150, Local Public 36265
Infrastructure, shall be used in accordance with sections 164.01 36266
to 164.12 of the Revised Code. The Director of the Public Works 36267
Commission may certify to the Director of Budget and Management 36268
that a need exists to appropriate investment earnings to be used 36269
in accordance with sections 164.01 to 164.12 of the Revised Code. 36270
If the Director of Budget and Management determines pursuant to 36271
division (D) of section 164.08 and section 164.12 of the Revised 36272
Code that investment earnings are available to support additional 36273
appropriations, such amounts are hereby appropriated. 36274

Section 295.20. The Ohio Public Facilities Commission is 36275
hereby authorized to issue and sell, in accordance with Section 2m 36276
of Article VIII, Ohio Constitution, and pursuant to sections 36277
151.01 and 151.08 of the Revised Code, original obligations of the 36278
state, in an aggregate principal amount not to exceed 36279
\$120,000,000, in addition to the original obligations heretofore 36280
authorized by prior acts of the General Assembly. These authorized 36281
obligations shall be issued and sold from time to time, subject to 36282
applicable constitutional and statutory limitations, as needed to 36283

ensure sufficient moneys to the credit of the State Capital 36284
Improvements Fund (Fund 038) to pay costs of the state in 36285
financing or assisting in the financing of local subdivision 36286
capital improvement projects. 36287

Section 297.10. All items set forth in this section are 36288
hereby appropriated out of any moneys in the state treasury to the 36289
credit of the State Capital Improvements Revolving Loan Fund (Fund 36290
040). Revenues to the State Capital Improvements Revolving Loan 36291
Fund shall consist of all repayments of loans made to local 36292
subdivisions for capital improvements, investment earnings on 36293
moneys in the fund, and moneys obtained from federal or private 36294
grants or from other sources for the purpose of making loans for 36295
the purpose of financing or assisting in the financing of the cost 36296
of capital improvement projects of local subdivisions. 36297

Appropriations

PWC PUBLIC WORKS COMMISSION 36298
CAP-151 Revolving Loan \$ 24,100,000 36299
Total Public Works Commission \$ 24,100,000 36300
TOTAL State Capital Improvements Revolving 36301
Loan Fund \$ 24,100,000 36302

The foregoing appropriation item CAP-151, Revolving Loan, 36303
shall be used in accordance with sections 164.01 to 164.12 of the 36304
Revised Code. 36305

Section 299.10. All items set forth in this section are 36306
hereby appropriated out of any moneys in the state treasury to the 36307
credit of the Clean Ohio Conservation Fund (Fund 056) that are not 36308
otherwise appropriated: 36309

Appropriations

PWC PUBLIC WORKS COMMISSION 36310
CAP-152 Clean Ohio Conservation \$ 37,500,000 36311

Total Public Works Commission	\$	37,500,000	36312
TOTAL Clean Ohio Conservation Fund	\$	37,500,000	36313

The foregoing appropriation item CAP-152, Clean Ohio Conservation, shall be used in accordance with sections 164.20 to 164.27 of the Revised Code. If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated.

Section 301.10. 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 Agricultural Easement Fund (Fund 057) that are not otherwise appropriated:

Appropriations

AGR DEPARTMENT OF AGRICULTURE			36328
CAP-047 Clean Ohio Agricultural Easement	\$	6,250,000	36329
Total Department of Agriculture	\$	6,250,000	36330
TOTAL Clean Ohio Agricultural Easement Fund	\$	6,250,000	36331

Section 301.20. 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 Trail Fund (Fund 061) that are not otherwise appropriated:

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			36337
CAP-014 Clean Ohio Trail	\$	6,250,000	36338
Total Department of Natural Resources	\$	6,250,000	36339
TOTAL Clean Ohio Trail Fund	\$	6,250,000	36340

Section 301.30. The Ohio Public Facilities Commission is 36342
hereby authorized to issue and sell, in accordance with Section 20 36343
of Article VIII, Ohio Constitution, and pursuant to sections 36344
151.01 and 151.09 of the Revised Code, original obligations of the 36345
state in an aggregate amount not to exceed \$50,000,000 in addition 36346
to the original issuance of obligations heretofore authorized by 36347
prior acts of the General Assembly. These authorized obligations 36348
shall be issued and sold from time to time, subject to applicable 36349
constitutional and statutory limitations, as needed to ensure 36350
sufficient moneys to the credit of the Clean Ohio Conservation 36351
Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 36352
057), and the Clean Ohio Trail Fund (Fund 061) to pay costs of 36353
conservation projects. 36354

Section 303.10. All items set forth in this section are 36355
hereby appropriated out of any moneys in the state treasury to the 36356
credit of the State Fire Marshal Fund (Fund 546) that are not 36357
otherwise appropriated: 36358

	Appropriations	
COM DEPARTMENT OF COMMERCE		36359
CAP-114 Office and Dorm Addition	\$ 1,908,000	36360
Total Department of Commerce	\$ 1,908,000	36361
TOTAL State Fire Marshal Fund	\$ 1,908,000	36362

Section 305.10. All items set forth in this section are 36364
hereby appropriated out of any moneys in the state treasury to the 36365
credit of the Veterans' Home Improvement Fund (Fund 604) that are 36366
not otherwise appropriated: 36367

	Appropriations	
OVH OHIO VETERANS' HOME		36368
CAP-781 Secrest/Veterans' Hall Roof Replacement	\$ 552,500	36369
Total Ohio Veterans' Home	\$ 552,500	36370

and new computer systems, but excluding regular or ongoing 36401
maintenance or support agreements; 36402

(F) Equipment that meets all the following criteria: 36403

(1) The equipment is essential in bringing the facility up to 36404
its intended use. 36405

(2) The unit cost of the equipment, and not the individual 36406
parts of a unit, is about \$100 or more. 36407

(3) The equipment has a useful life of five years or more. 36408

(4) The equipment is necessary for the functioning of the 36409
particular facility or project. 36410

No equipment shall be paid for from these appropriations that 36411
is not an integral part of or directly related to the basic 36412
purpose or function of a project for which moneys are 36413
appropriated. This paragraph does not apply to appropriation line 36414
items for equipment. 36415

Section 401.30. CONTINGENCY RESERVE REQUIREMENT 36416

Any request for release of capital appropriations by the 36417
Director of Budget and Management or the Controlling Board of 36418
capital appropriations for projects, the contracts for which are 36419
awarded by the Department of Administrative Services, shall 36420
contain a contingency reserve, the amount of which shall be 36421
determined by the Department of Administrative Services, for 36422
payment of unanticipated project expenses. Any amount deducted 36423
from the encumbrance for a contractor's contract as an assessment 36424
for liquidated damages shall be added to the encumbrance for the 36425
contingency reserve. Contingency reserve funds shall be used to 36426
pay costs resulting from unanticipated job conditions, to comply 36427
with rulings regarding building and other codes, to pay costs 36428
related to errors or omissions in contract documents, to pay costs 36429
associated with changes in the scope of work, and to pay the cost 36430

of settlements and judgments related to the project. 36431

Any funds remaining upon completion of a project, may, upon 36432
approval of the Controlling Board, be released for the use of the 36433
institution to which the appropriation was made for another 36434
capital facilities project or projects. 36435

Section 401.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 36436
PROJECTS 36437

Notwithstanding sections 123.01 and 123.15 of the Revised 36438
Code, the Director of Administrative Services may authorize the 36439
Departments of Mental Health, Mental Retardation and Developmental 36440
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 36441
Jobs and Family Services, Rehabilitation and Correction, Youth 36442
Services, Public Safety, Transportation, the Ohio Veterans' Home, 36443
and the Rehabilitation Services Commission to administer any 36444
capital facilities projects when the estimated cost, including 36445
design fees, construction, equipment, and contingency amounts, is 36446
less than \$1,500,000. Requests for authorization to administer 36447
capital facilities projects shall be made in writing to the 36448
Director of Administrative Services by the respective state agency 36449
within sixty days after the effective date of the act in which the 36450
General Assembly initially makes an appropriation for the project. 36451
Upon the release of funds for such projects by the Controlling 36452
Board or the Director of Budget and Management, the agency may 36453
administer the capital project or projects for which agency 36454
administration has been authorized without the supervision, 36455
control, or approval of the Director of Administrative Services. 36456

The state agency authorized by the Director of Administrative 36457
Services to administer capital facilities projects pursuant to 36458
this section shall comply with the applicable procedures and 36459
guidelines established in Chapter 153. of the Revised Code. 36460

Section 401.50. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 36461
AGAINST THE STATE 36462

Except as otherwise provided in this section, an 36463
appropriation contained in this act or any other act may be used 36464
for the purpose of satisfying judgments, settlements, or 36465
administrative awards ordered or approved by the Court of Claims 36466
or by any other court of competent jurisdiction in connection with 36467
civil actions against the state. This authorization shall not 36468
apply to appropriations to be applied to or used for payment of 36469
guarantees by or on behalf of the state or for payments under 36470
lease agreements relating to or debt service on bonds, notes, or 36471
other obligations of the state. Notwithstanding any other section 36472
of law to the contrary, this authorization includes appropriations 36473
from funds into which proceeds or direct obligations of the state 36474
are deposited only to the extent that the judgment, settlement, or 36475
administrative award is for or represents capital costs for which 36476
the appropriation may otherwise be used and is consistent with the 36477
purpose for which any related obligations were issued or entered 36478
into. Nothing contained in this section is intended to subject the 36479
state to suit in any forum in which it is not otherwise subject to 36480
suit, nor is it intended to waive or compromise any defense or 36481
right available to the state in any suit against it. 36482

Section 401.60. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 36483
AND MANAGEMENT 36484

Notwithstanding section 126.14 of the Revised Code, 36485
appropriations for appropriation items CAP-002, Local Jails, and 36486
CAP-003, Community-Based Correctional Facilities, appropriated 36487
from the Adult Correctional Building Fund (Fund 027) to the 36488
Department of Rehabilitation and Correction shall be released upon 36489
the written approval of the Director of Budget and Management. The 36490

appropriations from the Public School Building Fund (Fund 021), 36491
the Education Facilities Trust Fund (Fund N87), and the School 36492
Building Program Assistance Fund (Fund 032) to the School 36493
Facilities Commission, from the Transportation Building Fund (Fund 36494
029) to the Department of Transportation, from the Clean Ohio 36495
Conservation Fund (Fund 056) to the Public Works Commission, and 36496
appropriations from the State Capital Improvement Fund (Fund 038) 36497
and the State Capital Improvements Revolving Loan Fund (Fund 040) 36498
to the Public Works Commission shall be released upon presentation 36499
of a request to release the funds, by the agency to which the 36500
appropriation has been made, to the Director of Budget and 36501
Management. 36502

Section 401.70. PREVAILING WAGE REQUIREMENT 36503

Except as provided in section 4115.04 of the Revised Code, no 36504
moneys appropriated or reappropriated by the 126th General 36505
Assembly shall be used for the construction of public 36506
improvements, as defined in section 4115.03 of the Revised Code, 36507
unless the mechanics, laborers, or workers engaged therein are 36508
paid the prevailing rate of wages as prescribed in section 4115.04 36509
of the Revised Code. Nothing in this section shall affect the 36510
wages and salaries established for state employees under the 36511
provisions of Chapter 124. of the Revised Code, or collective 36512
bargaining agreements entered into by the state pursuant to 36513
Chapter 4117. of the Revised Code, while engaged on force account 36514
work, nor shall this section interfere with the use of inmate and 36515
patient labor by the state. 36516

Section 401.80. CAPITAL FACILITIES LEASES 36517

Capital facilities for which appropriations are made from the 36518
Highway Safety Building Fund (Fund 025), the Administrative 36519
Building Fund (Fund 026), the Adult Correctional Building Fund 36520

(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 36521
may be leased by the Ohio Building Authority to the Department of 36522
Public Safety, the Department of Youth Services, the Department of 36523
Administrative Services, and the Department of Rehabilitation and 36524
Correction, and other agreements may be made by the Ohio Building 36525
Authority and the departments with respect to the use or purchase 36526
of such capital facilities, or subject to the approval of the 36527
director of the department or the commission, the Ohio Building 36528
Authority may lease such capital facilities to, and make other 36529
agreements with respect to the use or purchase thereof with, any 36530
governmental agency or nonprofit corporation having authority 36531
under law to own, lease, or operate such capital facilities. The 36532
director of the department or the commission may sublease such 36533
capital facilities to, and make other agreements with respect to 36534
the use or purchase thereof with, any such governmental agency or 36535
nonprofit corporation, which may include provisions for 36536
transmittal of receipts of that agency or nonprofit corporation of 36537
any charges for the use of such facilities, all upon such terms 36538
and conditions as the parties may agree upon and any other 36539
provision of law affecting the leasing, acquisition, or 36540
disposition of capital facilities by such parties. 36541

Section 401.90. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 36542
MANAGEMENT 36543

The Director of Budget and Management shall authorize both of 36544
the following: 36545

(A) The initial release of moneys for projects from the funds 36546
into which proceeds of direct obligations of the state are 36547
deposited. 36548

(B) The expenditure or encumbrance of moneys from funds into 36549
which proceeds of direct obligations are deposited, only after 36550
determining to the director's satisfaction that either of the 36551

following apply: 36552

(1) The application of such moneys to the particular project 36553
will not negatively affect any exemption or exclusion from federal 36554
income tax of the interest or interest equivalent on obligations, 36555
issued to provide moneys to the particular fund. 36556

(2) Moneys for the project will come from the proceeds of 36557
obligations, the interest on which is not so excluded or exempt 36558
and which have been authorized as "taxable obligations" by the 36559
issuing authority. 36560

The director shall report any nonrelease of moneys pursuant 36561
to this section to the Governor, the presiding officer of each 36562
house of the General Assembly, and the agency for the use of which 36563
the project is intended. 36564

Section 403.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 36565

The Ohio Administrative Knowledge System (OAKS) shall be an 36566
enterprise resource planning system that replaces the state's 36567
central services infrastructure systems, including, but not 36568
limited to, the central accounting system, the human 36569
resources/payroll system, the capital improvements projects 36570
tracking system, the fixed assets management system, and the 36571
procurement system. The Department of Administrative Services, in 36572
conjunction with the Office of Budget and Management, may acquire 36573
the system, including, but not limited to, the enterprise resource 36574
planning software and installation and implementation thereof 36575
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 36576
arrangement utilized under Chapter 125. of the Revised Code, 36577
including any fractionalized interest therein as defined in 36578
division (N) of section 133.01 of the Revised Code, shall provide 36579
at the end of the lease periods that OAKS becomes the property of 36580
the state. 36581

Section 403.20. SCHOOL FACILITIES ENCUMBRANCES AND 36582
REAPPROPRIATION 36583

At the request of the Executive Director of the Ohio School 36584
Facilities Commission, the Director of Budget and Management may 36585
cancel encumbrances for school district projects from a previous 36586
biennium if the district has not raised its local share of project 36587
costs within one year of receiving Controlling Board approval in 36588
accordance with section 3318.05 of the Revised Code. The Executive 36589
Director of the Ohio School Facilities Commission shall certify 36590
the amounts of these canceled encumbrances to the Director of 36591
Budget and Management on a quarterly basis. The amounts of the 36592
canceled encumbrances are hereby appropriated. 36593

Section 403.30. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 36594
BALANCES OF CAPITAL APPROPRIATIONS 36595

(A) An unexpended balance of a capital appropriation or 36596
reappropriation that a state agency has lawfully encumbered prior 36597
to the close of a capital biennium is hereby reappropriated for 36598
the following capital biennium from the fund from which it was 36599
originally appropriated or was reappropriated and shall be used 36600
only for the purpose of discharging the encumbrance in the 36601
following capital biennium. For those encumbered appropriations or 36602
reappropriations, any Controlling Board approval previously 36603
granted and referenced by the encumbering document remains in 36604
effect until the encumbrance is discharged in the following 36605
capital biennium or until the encumbrance expires at the end of 36606
the following capital biennium. 36607

(B) At the end of the reappropriation period provided for by 36608
division (A) of this section, an unexpended balance of a capital 36609
appropriation or reappropriation that remains encumbered at the 36610
end of that period is hereby reappropriated for the next capital 36611

biennium from the fund from which it was originally appropriated 36612
or was reappropriated and shall be used only for the purpose of 36613
discharging the encumbrance in the next capital biennium. For 36614
those encumbered appropriations or reappropriations, any 36615
Controlling Board approval previously granted and referenced by 36616
the encumbering document remains in effect until the encumbrance 36617
is discharged in the next capital biennium or until the 36618
encumbrance expires at the end of the next capital biennium. 36619

(C) At the end of the reappropriation period provided for by 36620
division (B) of this section, a reappropriation made pursuant to 36621
division (B) of this section shall lapse, and the encumbrance 36622
shall expire. 36623

(D) If an encumbrance expired pursuant to division (C) of 36624
this section, the Director of Budget and Management may 36625
re-establish the encumbrance as provided in this division. If a 36626
reappropriation for a project is made by the General Assembly for 36627
the biennium immediately following the biennium in which an 36628
encumbrance for that project expired, the Director of Budget and 36629
Management may re-establish the encumbrance in an amount not to 36630
exceed the amount of the expired encumbrance, in the name of the 36631
contractor named in the expired encumbrance, and for the same 36632
purpose specified in the expired encumbrance. The encumbrance 36633
amount shall be in addition to the amount of the reappropriation 36634
and is hereby reappropriated. The amount re-encumbered shall be 36635
used only for the purpose of discharging the encumbrance in the 36636
capital biennium for which the reappropriation was made. For those 36637
re-encumbered reappropriations, any Controlling Board approval 36638
previously granted and referenced by the expired encumbering 36639
document remains in effect until the encumbrance is discharged or 36640
expires at the end of the capital biennium for which the 36641
reappropriation was made. If any portion of the amount 36642
re-encumbered by the Director of Budget and Management under this 36643

division is not expended prior to the close of the capital 36644
biennium for which the reappropriation was made, that amount is 36645
hereby reappropriated for the following capital biennium as 36646
provided for in division (A) of this section and subject to the 36647
provisions of division (A) of this section. 36648

Section 403.40. Capital reappropriations in this act that 36649
have been released by the Controlling Board or the Director of 36650
Budget and Management between June 30, 2004, and July 1, 2006, do 36651
not require further approval or release prior to being encumbered. 36652
Funds reappropriated in excess of such prior releases shall be 36653
released in accordance with applicable provisions of this act. 36654

Section 403.50. Unless otherwise specified, the 36655
reappropriations made in this act represent the unencumbered and 36656
unallotted balances of prior years' capital improvements 36657
appropriations estimated to be available on June 30, 2006. The 36658
actual balances on June 30, 2006, for the appropriation items in 36659
this act are hereby reappropriated. Additionally, there is hereby 36660
reappropriated the unencumbered and unallotted balances on June 36661
30, 2006, of any appropriation items either reappropriated in Am. 36662
Sub. S.B. 189 of the 125th General Assembly or appropriated in Am. 36663
Sub. H.B. 16 of the 126th General Assembly, or created by the 36664
Controlling Board pursuant to section 127.15 of the Revised Code 36665
from appropriation items in Am. Sub. S.B. 189 of the 125th General 36666
Assembly and Am. Sub. H.B. 16 of the 126th General Assembly, and 36667
this act, if the Director of Budget and Management determines that 36668
such balances are needed to complete the projects for which they 36669
were reappropriated or appropriated. The appropriation items and 36670
amounts that are reappropriated by this act shall be reported to 36671
the Controlling Board within 30 days after the effective date of 36672
this section. 36673

Section 403.60. No appropriation for a health care facility 36674
authorized under this act may be released until the requirements 36675
of sections 3702.51 to 3702.68 of the Revised Code have been met. 36676

Section 403.70. All proceeds received by the state as a 36677
result of litigation, judgments, settlements, or claims, filed by 36678
or on behalf of any state agency as defined by section 1.60 of the 36679
Revised Code or any state-supported or state-assisted institution 36680
of higher education, for damages or costs resulting from the use, 36681
removal, or hazard abatement of asbestos materials shall be 36682
deposited in the Asbestos Abatement Distribution Fund (Fund 674). 36683
All funds deposited into the Asbestos Abatement Distribution Fund 36684
are hereby appropriated to the Attorney General. To the extent 36685
practicable, the proceeds placed in the Asbestos Abatement 36686
Distribution Fund shall be divided among the state agencies and 36687
state-supported or state-assisted institutions of higher education 36688
in accordance with the general provisions of the litigation 36689
regarding the percentage of recovery. Distribution of the proceeds 36690
to each state agency or state-supported or state-assisted 36691
institution of higher education shall be made in accordance with 36692
the Asbestos Abatement Distribution Plan to be developed by the 36693
Attorney General, the Division of Public Works within the 36694
Department of Administrative Services, and the Office of Budget 36695
and Management. 36696

In those circumstances where asbestos litigation proceeds are 36697
for reimbursement of expenditures made with funds outside the 36698
state treasury or damages to buildings not constructed with state 36699
appropriations, direct payments shall be made to the affected 36700
institutions of higher education. Any proceeds received for 36701
reimbursement of expenditures made with funds within the state 36702
treasury or damages to buildings occupied by state agencies shall 36703
be distributed to the affected agencies with an intrastate 36704

transfer voucher to the funds identified in the Asbestos Abatement
Distribution Plan. 36705
36706

Such proceeds shall be used for additional asbestos abatement 36707
or encapsulation projects, or for other capital improvements, 36708
except that proceeds distributed to the General Revenue Fund and 36709
other funds that are not bond improvement funds may be used for 36710
any purpose. The Controlling Board may, for bond improvement 36711
funds, create appropriation items or increase appropriation 36712
authority in existing appropriation items equaling the amount of 36713
such proceeds. Such amounts approved by the Controlling Board are 36714
hereby appropriated. Such proceeds deposited in bond improvement 36715
funds shall not be expended until released by the Controlling 36716
Board, which shall require certification by the Director of Budget 36717
and Management that such proceeds are sufficient and available to 36718
fund the additional anticipated expenditures. 36719

Section 403.80. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 36720
REVISED CODE 36721

The capital improvements for which appropriations are made in 36722
this act from the Ohio Parks and Natural Resources Fund (Fund 36723
031), the School Building Program Assistance Fund (Fund 032), the 36724
Higher Education Improvement Fund (Fund 034), the State Capital 36725
Improvements Fund (Fund 038), the Clean Ohio Conservation Fund 36726
(Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), 36727
and the Clean Ohio Trail Fund (Fund 061) are determined to be 36728
capital improvements and capital facilities for natural resources, 36729
a statewide system of common schools, state-supported and 36730
state-assisted institutions of higher education, local subdivision 36731
capital improvement projects, and conservation purposes (under the 36732
Clean Ohio Program) and are designated as capital facilities to 36733
which proceeds of obligations issued under Chapter 151. of the 36734
Revised Code are to be applied. 36735

Section 403.90. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 36736
REVISED CODE 36737

The capital improvements for which appropriations are made in 36738
this act from the Highway Safety Building Fund (Fund 025), the 36739
Administrative Building Fund (Fund 026), the Adult Correctional 36740
Building Fund (Fund 027), the Juvenile Correctional Building Fund 36741
(Fund 028), and the Transportation Building Fund (Fund 029) are 36742
determined to be capital improvements and capital facilities for 36743
housing state agencies and branches of state government and are 36744
designated as capital facilities to which proceeds of obligations 36745
issued under Chapter 152. of the Revised Code are to be applied. 36746

Section 405.10. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 36747
REVISED CODE 36748

The capital improvements for which appropriations are made in 36749
this act from the Cultural and Sports Facilities Building Fund 36750
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 36751
033), and the Parks and Recreation Improvement Fund (Fund 035) are 36752
determined to be capital improvements and capital facilities for 36753
housing state agencies and branches of government, mental hygiene 36754
and retardation, and parks and recreation and are designated as 36755
capital facilities to which proceeds of obligations issued under 36756
Chapter 154. of the Revised Code are to be applied. 36757

Section 405.20. Upon the request of the agency to which a 36758
capital project appropriation item is appropriated, the Director 36759
of Budget and Management may transfer open encumbrance amounts 36760
between separate encumbrances for the project appropriation item 36761
to the extent that any reductions in encumbrances are agreed to by 36762
the contracting vendor and the agency. 36763

Section 405.30. Any proceeds received by the state as the 36764

result of litigation or a settlement agreement related to any 36765
liability for the planning, design, engineering, construction, or 36766
constructed management of such facilities operated by the 36767
Department of Administrative Services shall be deposited into the 36768
Administrative Building Fund (Fund 026). 36769

Section 405.40. Sections 203.10 to 405.30 of this act shall 36770
remain in full force and effect commencing on July 1, 2006, and 36771
terminating on June 30, 2008, for the purpose of drawing money 36772
from the state treasury in payment of liabilities lawfully 36773
incurred hereunder, and on June 30, 2008, and not before, the 36774
moneys hereby appropriated shall lapse into the funds from which 36775
they are severally appropriated. If, under Section 1c of Article 36776
II, Ohio Constitution, Section 1c, Sections 203.10 to 405.30 of 36777
this act do not take effect until after July 1, 2006, Sections 36778
203.10 to 405.30 of this act shall be and remain in full force and 36779
effect commencing on that later effective date. 36780

Section 405.50. TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY 36781
ASSISTANCE FUND (FUND 5H3) 36782

Notwithstanding any provision of law to the contrary, upon 36783
the request of the Superintendent of Public Instruction, the 36784
Director of Budget and Management may make transfers of cash to 36785
the School District Solvency Assistance Fund (Fund 5H3) from any 36786
Department of Education administered fund or the General Revenue 36787
Fund to maintain sufficient cash balances in the School District 36788
Solvency Assistance Fund (Fund 5H3) in fiscal years 2006 and 2007 36789
for providing assistance and grants to school districts to enable 36790
them to remain solvent and to pay unforeseeable expenses of a 36791
temporary or emergency nature that they are unable to pay from 36792
existing resources. The Director of Budget and Management shall 36793
notify the members of the Controlling Board of any such transfers. 36794

This section is not subject to the referendum. Therefore, 36795
under Ohio Constitution, Article II, Section 1d and section 1.471 36796
of the Revised Code, this section goes into immediate effect when 36797
this act becomes law. 36798

Section 405.60. The amendment of section 6301.03 of the 36799
Revised Code by Am. Sub. S.B. 189 of the 125th General Assembly 36800
applies on and after July 1, 2004. Local areas and sub-recipients 36801
of a local area may continue to use the public assistance fund to 36802
facilitate close out of workforce development activities conducted 36803
pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 36804
29 U.S.C. 2801, as amended, or Chapter 6301. of the Revised Code 36805
that occurred prior to July 1, 2004. 36806

Section 506.03. (A) If money deposited into an escrow account 36807
under section 153.63 of the Revised Code by the Department of 36808
Administrative Services has not been released pursuant to that 36809
section due to the failure of the contractor, within a reasonable 36810
time, to give notice requesting release, the money shall be 36811
released pursuant to division (B) of this section to the Director 36812
of Administrative Services, who shall deposit it to the credit of 36813
the State Architect's Fund created under section 123.10 of the 36814
Revised Code. 36815

(B) Notwithstanding section 153.63 of the Revised Code, the 36816
escrow agent in charge of the money described in division (A) of 36817
this section shall release the money to the Director if both of 36818
the following occur: 36819

(1) The Director notifies the contractor of the existence of 36820
the escrowed amount in writing, sent by certified mail to the 36821
contractor's last known address and to the last known address of 36822
the contractor's statutory agent, if such agent exists; 36823

(2) The contractor or statutory agent fails to respond to the 36824

notice by the date that is thirty days after the date the notice
is sent. 36825
36826

(C) Money released to the Director pursuant to this section 36827
shall be considered an additional fee related to the 36828
administration of the contract for which the escrow deposit was 36829
made. 36830

Section 512.03. CASH TRANSFER TO DEPARTMENT OF HEALTH'S 36831
GENERAL OBLIGATIONS FUND 36832

Not later than 30 days after the effective date of this 36833
section, the Director of Budget and Management shall transfer 36834
\$103,981.68 cash from the Adjutant General's Department's Camp 36835
Perry Clubhouse and Rental Fund (Fund 536) to the Department of 36836
Health's General Obligations Fund (Fund 392). 36837

Section 512.03.03. DEPARTMENT OF EDUCATION APPROPRIATION 36838
TRANSFERS 36839

The Director of Budget and Management, in consultation with 36840
the Superintendent of Public Instruction, may transfer up to 36841
\$200,000 in fiscal year 2006 and up to \$300,000 in fiscal year 36842
2007 of unspent and unencumbered balances of General Revenue Fund 36843
appropriation items within the Department of Education to GRF 36844
appropriation item 200-100, Personal Services. The funds 36845
transferred shall be used for the administration of the 36846
Educational Choice Scholarship Pilot Program. All funds 36847
transferred under this section are hereby appropriated. 36848

Section 512.06. TRANSFERS TO STATE NEED-BASED FINANCIAL AID 36849
PROGRAMS 36850

In fiscal year 2006, if the Chancellor of the Board of 36851
Regents determines that additional funds are needed to support the 36852
distribution of state need-based financial aid in accordance with 36853

section 3333.12 of the Revised Code, the Chancellor shall 36854
recommend the reallocation of unencumbered and unobligated 36855
appropriation balances of General Revenue Fund appropriation items 36856
within the Board of Regents to GRF appropriation item 235-503, 36857
Ohio Instructional Grants. If the Director of Budget and 36858
Management determines that such a reallocation is required, the 36859
Director may transfer those identified unencumbered and 36860
unobligated funds within the Board of Regents as necessary to GRF 36861
appropriation item 235-503, Ohio Instructional Grants. The amounts 36862
transferred to appropriation item 235-503, Ohio Instructional 36863
Grants, are hereby appropriated. If those unencumbered and 36864
unobligated funds are not sufficient to support the distribution 36865
of state need-based financial aid in accordance with section 36866
3333.12 of the Revised Code in fiscal year 2006, the Director of 36867
Budget and Management may increase the appropriation from the 36868
General Revenue Fund of appropriation item 235-503, Ohio 36869
Instructional Grants, in fiscal year 2006 by up to \$30,000,000. 36870

In fiscal year 2007, if the Chancellor of the Board of 36871
Regents determines that additional funds are needed to support the 36872
distribution of state need-based financial aid in accordance with 36873
sections 3333.12 and 3333.122 of the Revised Code, the Chancellor 36874
shall recommend the reallocation of unencumbered and unobligated 36875
appropriation balances of General Revenue Fund appropriation items 36876
within the Board of Regents to GRF appropriation items 235-503, 36877
Ohio Instructional Grants, and 235-563, Ohio College Opportunity 36878
Grant. If the Director of Budget and Management determines that 36879
such a reallocation is required, the Director may transfer those 36880
identified unencumbered and unobligated funds within the Board of 36881
Regents as necessary to GRF appropriation items 235-503, Ohio 36882
Instructional Grants, and 235-563, Ohio College Opportunity Grant. 36883
The amounts transferred to appropriation items 235-503, Ohio 36884
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 36885

are hereby appropriated. If those unencumbered and unobligated 36886
funds are not sufficient to support the distribution of state 36887
need-based financial aid in accordance with sections 3333.12 and 36888
3333.122 of the Revised Code in fiscal year 2007, the Director of 36889
Budget and Management may increase the appropriation from the 36890
General Revenue Fund of appropriation items 235-503, Ohio 36891
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 36892
in fiscal year 2007. The combined increase to appropriation items 36893
235-503, Ohio Instructional Grants, and 235-563, Ohio College 36894
Opportunity Grant, authorized under this section shall not exceed 36895
\$30,000,000 in fiscal year 2007. 36896

Section 512.12. DEPARTMENT OF MENTAL RETARDATION AND 36897
DEVELOPMENTAL DISABILITIES 36898

By June 30, 2006, or as soon as possible thereafter, the 36899
Director of Budget and Management shall, to fulfill the 36900
requirement of section 5123.23 of the Revised Code, transfer 36901
\$4,163.90 cash from the Miscellaneous Revenue Fund (Fund 152 in 36902
the Department of Mental Retardation and Developmental 36903
Disabilities) to the General Revenue Fund. 36904

Section 512.15. TRANSFER TO DEPARTMENT OF JOB AND FAMILY 36905
SERVICES FOR PACE PAYMENTS 36906

The Director of Job and Family Services and the Director of 36907
Aging may certify on a quarterly basis to the Director of Budget 36908
and Management the nonfederal amount paid to PACE providers for 36909
Medicaid services. On receipt of the certification, the Director 36910
of Budget and Management may: 36911

(1) Transfer appropriations equal to the amount certified 36912
from GRF appropriation item 490-421, PACE, to GRF appropriation 36913
item 600-525, Health Care/Medicaid; 36914

(2) Increase the appropriation of GRF appropriation item 36915

600-525, Health Care/Medicaid, by the corresponding federal share;	36916
and	36917
(3) Decrease the appropriation in appropriation item 490-621,	36918
PACE-Federal, (Fund 3C4) by the corresponding federal share.	36919
Section 512.18. TRANSFER TO THE DEPARTMENT OF JOB AND FAMILY	36920
SERVICES FROM THE DEPARTMENT OF EDUCATION	36921
Transfers from the Department of Education to the Department	36922
of Job and Family Services pursuant to section 3317.023 of the	36923
Revised Code are hereby appropriated to appropriation item	36924
600-671, Medicaid Program Support. Federal funds generated by	36925
expenditure of the transfers are hereby appropriated to	36926
appropriation item 600-623, Health Care Federal. Within seven days	36927
after initiating the transfer, the Director of Job and Family	36928
Services shall notify the Director of Budget and Management of the	36929
transfer.	36930
Section 515.03. (A) The Director of Budget and Management	36931
shall, on the effective date of this section, supersede and	36932
replace the Auditor of State in all matters relating to the	36933
drawing of warrants for the payment or transfer of money from the	36934
state treasury (referred to in this section as "the payment	36935
function"). With respect to the payment function, the Director	36936
shall succeed to and perform all of the duties, powers, and	36937
obligations of the Auditor of State provided for by law.	36938
(B) Any aspect of the payment function commenced but not	36939
completed by the Auditor of State on the effective date of this	36940
section shall be completed by the Director or the staff of the	36941
Office of Budget and Management in the same manner, and with the	36942
same effect, as if completed by the Auditor of State or the staff	36943
of the Auditor of State. Any validation, cure, right, privilege,	36944
remedy, obligation, or liability related to the payment function	36945

is not lost or impaired by reason of the transfer required by this 36946
section and shall be administered by the Office of Budget and 36947
Management. All of the rules, orders, and determinations of the 36948
Auditor of State in relation to the payment function continue in 36949
effect as rules, orders, and determinations of the Director of 36950
Budget and Management until modified or rescinded by the Director. 36951
At the request of the Auditor of State and if necessary to ensure 36952
the integrity of the numbering of the Administrative Code, the 36953
Director of the Legislative Service Commission shall renumber 36954
rules of the Auditor of State in relation to the payment function 36955
to reflect the transfer to the Director of Budget and Management. 36956

(C) Subject to the lay-off provisions of sections 124.321 to 36957
124.328 of the Revised Code, the Auditor of State and the Director 36958
of Budget and Management shall identify the employees of the 36959
Auditor of State assigned to or responsible for the payment 36960
function who shall be transferred to the Office of Budget and 36961
Management. The transfer shall take effect on July 1, 2007, or as 36962
soon as possible thereafter. 36963

(D) Whenever the Auditor of State in relation to the payment 36964
function is referred to in any law, contract, or other document, 36965
the reference shall be deemed to refer to the Director of Budget 36966
and Management. 36967

(E) Any action or proceeding that is related to the payment 36968
function and is pending on the effective date of this section is 36969
not affected by the transfer and shall be prosecuted or defended 36970
in the name of the Director of Budget and Management or the Office 36971
of Budget and Management. In all such actions and proceedings the 36972
Director or the Office, upon application to the court, shall be 36973
substituted as a party. 36974

Section 515.06. (A) The Director of Administrative Services, 36975
the Director of Agriculture, the Director of Health, and the 36976

Director of Environmental Protection shall enter into a memorandum 36977
of understanding concerning the co-location at the Department of 36978
Agriculture's campus in Reynoldsburg of the Department of 36979
Agriculture, Department of Health, and Ohio Environmental 36980
Protection Agency laboratory and related office and storage 36981
facilities. The memorandum shall include the agreed upon 36982
obligations and responsibilities of the agencies relative to the 36983
facilities, and it and any later revision shall not take effect 36984
unless approved by the Director of Budget and Management. 36985

(B) Notwithstanding division (A)(12) of section 123.01 of the 36986
Revised Code, and as shall be specified in the memorandum, the 36987
Department of Agriculture shall be responsible for the maintenance 36988
and care of the co-located facilities, the cost of which care 36989
shall be itemized and proportionately allocated among the 36990
Department of Agriculture, the Department of Health, and the Ohio 36991
Environmental Protection Agency. Except for this requirement, 36992
nothing in this section affects the authority of the Department of 36993
Administrative Services under section 123.01 of the Revised Code. 36994

(C) If required, the Office of Budget and Management and 36995
Department of Administrative Services shall assist in addressing 36996
issues regarding the memorandum's implementation. 36997

Section 606.05. That Section 3 of Sub. H.B. 11 of the 126th 36998
General Assembly be amended to read as follows: 36999

Sec. 3. (A) Notwithstanding anything to the contrary in 37000
division ~~(E)~~(D) of section 3317.024 of the Revised Code, in 37001
section 3317.07 of the Revised Code or in rules adopted under that 37002
section, or in Section 206.09.21 of Am. Sub. H.B. 66 of the 126th 37003
General Assembly, during fiscal year 2006 only, upon receipt of a 37004
waiver granted by the Superintendent of Public Instruction a 37005
school district, educational service center, or county MR/DD board 37006

may use the portion of the funds paid under appropriation item 37007
200-503, Bus Purchase Allowance, as approved in the waiver for 37008
purchasing fuel for school buses. 37009

(B) In the manner specified by the Superintendent of Public 37010
Instruction for purposes of this section, a school district, 37011
educational service center, or county MR/DD board may apply to the 37012
Superintendent for a waiver to use funds paid during fiscal year 37013
2006 under appropriation item 200-503, Bus Purchase Allowance, to 37014
purchase fuel for school buses. The Superintendent shall require 37015
the school district, educational service center, or county MR/DD 37016
board to report to the Superintendent by December 31, 2005, its 37017
total expenditures for fuel for buses in fiscal year 2005 and its 37018
estimated expenditures for fuel for buses in fiscal year 2006. The 37019
Superintendent may grant a waiver to a school district, 37020
educational service center, or county MR/DD board only if the 37021
following conditions are met: 37022

(1) The district, service center, or county MR/DD board 37023
demonstrates to the Superintendent's satisfaction that it has a 37024
sufficient supply of buses or contracted bus service to meet its 37025
pupil transportation obligations for fiscal year 2006 without 37026
spending all or part of its allocation of funds under 37027
appropriation item 200-503, Bus Purchase Allowance. 37028

(2) The district's, service center's, or county MR/DD board's 37029
estimate of expenditures for fuel for buses in fiscal year 2006 is 37030
higher than its expenditures for fuel for buses in fiscal year 37031
2005. 37032

The Superintendent shall prescribe in the waiver the portion 37033
of those funds allocated to the school district, service center, 37034
or county MR/DD board under appropriation item 200-503, Bus 37035
Purchase Allowance, that may be used for purchasing fuel for 37036
buses, which portion shall not exceed the difference between the 37037

estimated expenditures for fuel for buses in fiscal year 2006 and 37038
the expenditures for fuel for buses in fiscal year 2005. 37039

(C) Not later than July 31, 2006, each school district, 37040
educational service center, and county MR/DD board that receives a 37041
waiver under this section shall report to the Superintendent of 37042
Public Instruction its actual expenditures to purchase fuel for 37043
school buses in fiscal year 2006. If the Superintendent determines 37044
that the district, service center, or county MR/DD board did not 37045
spend all of the funds from appropriation item 200-503, Bus 37046
Purchase Allowance, prescribed in the waiver to purchase fuel for 37047
buses, the district, service center, or county MR/DD board shall 37048
allocate the remainder of those funds for school bus purchases in 37049
fiscal year 2007. 37050

(D) The Office of Pupil Transportation within the Department 37051
of Education may audit school districts, educational service 37052
centers, and county MR/DD boards that apply for waivers to ensure 37053
the accuracy of the data reported under this section. If the 37054
Office finds that a district, service center, or county MR/DD 37055
board has reported data inaccurately, the Department shall apply 37056
division (L) of section 3301.0714 of the Revised Code to that 37057
district, service center, or county MR/DD board. 37058

Section 606.06. That existing Section 3 of Sub. H.B. 11 of 37059
the 126th General Assembly is hereby repealed. 37060

Section 606.17. That Sections 203.09, 203.12, 203.12.12, 37061
203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 37062
203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 37063
206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 206.16, 37064
206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 37065
206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 37066
206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 37067

209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 37068
 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 209.90.06, 212.03, 37069
 212.24, 212.27, 212.30, 212.33, 557.12, and 612.36.03 of Am. Sub. 37070
 H.B. 66 of the 126th General Assembly be amended to read as 37071
 follows: 37072

Sec. 203.09. ADJ ADJUTANT GENERAL 37073

General Revenue Fund 37074

GRF 745-401	Ohio Military Reserve	\$	15,188	\$	15,188	37075
GRF 745-404	Air National Guard	\$	1,939,762	\$	1,939,762	37076
GRF 745-407	National Guard	\$	1,400,000	\$	1,400,000	37077

Benefits

GRF 745-409	Central Administration	\$	3,949,590	\$	3,949,590	37078
GRF 745-499	Army National Guard	\$	4,086,222	\$	4,086,222	37079
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	37080

Unit Fund

TOTAL GRF	General Revenue Fund	\$	11,493,735	\$	11,493,735	37081
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General Services Fund Group 37082

534 745-612	Armory Improvements	\$	534,304	\$	534,304	37083
536 745-620	Camp Perry/Buckeye Inn	\$	1,094,970	\$	1,094,970	37084

Operations

537 745-604	Ohio National Guard	\$	219,826	\$	219,826	37085
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Facility Maintenance

TOTAL GSF	General Services Fund	\$	1,849,100	\$	1,849,100	37086
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Group

Federal Special Revenue Fund Group 37087

3E8 745-628	Air National Guard	\$	12,174,760	\$	12,174,760	37088
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Agreement

3R8 745-603	Counter Drug	\$	25,000	\$	25,000	37089
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Operations

341 745-615	Air National Guard	\$	2,424,740	\$	2,424,740	37090
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		Base Security					
342	745-616	Army National Guard	\$	8,686,893	\$	8,686,893	37091
		Agreement					
	TOTAL FED	Federal Special Revenue	\$	23,311,393	\$	23,311,393	37092
	Fund Group						
	State Special Revenue	Fund Group					37093
	<u>5DN 745-618</u>	<u>Service Medal</u>	\$	<u>1,500</u>	\$	<u>0</u>	37094
		<u>Production</u>					
5U8	745-613	Community Match	\$	90,000	\$	91,800	37095
		Armories					
528	745-605	Marksmanship	\$	126,078	\$	128,600	37096
		Activities					
	TOTAL SSR	State Special Revenue	\$	216,078	\$	220,400	37097
	Fund Group			<u>217,578</u>			
	TOTAL ALL BUDGET FUND GROUPS		\$	36,870,306	\$	36,874,628	37098
				<u>36,871,806</u>			
		NATIONAL GUARD BENEFITS					37099
		The foregoing appropriation item 745-407, National Guard					37100
		Benefits, shall be used for purposes of sections 5919.31 and					37101
		5919.33 of the Revised Code, and for administrative costs of the					37102
		associated programs.					37103
		For active duty members of the Ohio National Guard who died					37104
		after October 7, 2001, while performing active duty, the death					37105
		benefit, pursuant to section 5919.33 of the Revised Code, shall be					37106
		paid to the beneficiary or beneficiaries designated on the					37107
		member's Servicemembers' Group Life Insurance Policy.					37108
		STATE ACTIVE DUTY COSTS					37109
		Of the foregoing appropriation item 745-409, Central					37110
		Administration, \$50,000 in each fiscal year shall be used for the					37111
		purpose of paying expenses related to state active duty of members					37112
		of the Ohio organized militia, in accordance with a proclamation					37113

of the Governor. Expenses include, but are not limited to, the 37114
cost of equipment, supplies, and services, as determined by the 37115
Adjutant General's Department. 37116

NATIONAL GUARD SERVICE MEDAL PRODUCTION 37117

The foregoing appropriation item 745-618, Service Medal 37118
Production, shall be used to cover costs of production of the 37119
Commemorative National Guard Service Medal pursuant to section 37120
5919.19 of the Revised Code. 37121

CASH TRANSFER TO NATIONAL GUARD SERVICE MEDAL FUND 37122

At the request of the Adjutant General, the Director of 37123
Budget and Management may transfer up to \$1,500 cash from the 37124
General Revenue Fund to the National Guard Service Medal Fund 37125
(Fund 5DN) in fiscal year 2006. 37126

Sec. 203.12. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 37127

General Revenue Fund 37128

GRF 100-403	Public School Employee	\$	1,200,000	\$	1,500,000	37129
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Benefits

GRF 100-404	CRP Procurement	\$	248,040	\$	268,040	37130
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Program

GRF 100-405	Agency Audit Expenses	\$	329,000	\$	329,000	37131
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GRF 100-406	County & University	\$	60,000	\$	60,000	37132
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Human Resources

560,000

560,000

Services

GRF 100-410	Veterans' Records	\$	69,000	\$	48,600	37133
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Conversion

GRF 100-418	Web Sites and Business	\$	3,275,280	\$	3,275,280	37134
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Gateway

GRF 100-419	IT Security	\$	1,636,247	\$	1,636,247	37135
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Infrastructure

GRF 100-421	OAKS Project	\$	484,000	\$	410,839	37136
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	Implementation				
GRF 100-433	State of Ohio Computer Center	\$ 4,991,719	\$ 4,991,719	37137	
GRF 100-439	Equal Opportunity Certification Programs	\$ 726,481	\$ 728,384	37138	
GRF 100-447	OBA - Building Rent Payments	\$ 115,740,400	\$ 116,091,300	37139	
GRF 100-448	OBA - Building Operating Payments	\$ 25,393,250	\$ 25,647,183	37140	
GRF 100-449	DAS - Building Operating Payments	\$ 4,160,383	\$ 4,170,623	37141	
GRF 100-451	Minority Affairs	\$ 47,000	\$ 47,000	37142	
GRF 100-734	Major Maintenance - State Bldgs	\$ 50,000	\$ 50,000	37143	
GRF 102-321	Construction Compliance	\$ 1,190,959	\$ 1,206,779	37144	
GRF 130-321	State Agency Support Services	\$ 2,693,788	\$ 2,668,986	37145	
TOTAL GRF General Revenue Fund		\$ 162,295,547 <u>162,795,547</u>	\$ 163,129,980 <u>163,629,980</u>	37146	
	General Services Fund Group			37147	
112 100-616	DAS Administration	\$ 5,221,393	\$ 5,299,427	37148	
115 100-632	Central Service Agency	\$ 466,517	\$ 485,178 <u>860,878</u>	37149	
117 100-644	General Services Division - Operating	\$ 6,834,247	\$ 7,245,772	37150	
122 100-637	Fleet Management	\$ 4,025,043	\$ 4,032,968	37151	
125 100-622	Human Resources Division - Operating	\$ 18,864,179	\$ 19,220,614	37152	
127 100-627	Vehicle Liability Insurance	\$ 3,344,644	\$ 3,344,644	37153	
128 100-620	Collective Bargaining	\$ 3,410,952	\$ 3,410,952	37154	
130 100-606	Risk Management	\$ 223,904	\$ 223,904	37155	

		Reserve					
131	100-639	State Architect's	\$	6,977,274	\$	7,047,427	37156
		Office					
132	100-631	DAS Building	\$	10,721,430	\$	11,066,228	37157
		Management					
133	100-607	IT Services Delivery	\$	81,418,432	\$	80,345,564	37158
188	100-649	Equal Opportunity	\$	993,378	\$	1,010,256	37159
		Division - Operating					
201	100-653	General Services	\$	1,553,000	\$	1,553,000	37160
		Resale Merchandise					
210	100-612	State Printing	\$	5,931,421	\$	5,931,421	37161
229	100-630	IT Governance	\$	18,531,812	\$	17,601,712	37162
4N6	100-617	Major IT Purchases	\$	10,617,166	\$	10,617,166	37163
4P3	100-603	DAS Information	\$	5,902,099	\$	6,117,004	37164
		Services					
427	100-602	Investment Recovery	\$	5,580,208	\$	5,683,564	37165
5C2	100-605	MARCS Administration	\$	9,268,178	\$	9,268,178	37166
5C3	100-608	Skilled Trades	\$	1,406,278	\$	1,434,982	37167
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	37168
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000	37169
		Development					
5V6	100-619	Employee Educational	\$	936,129	\$	936,129	37170
		Development					
TOTAL	GSF	General Services Fund					37171
Group			\$	216,927,684	\$	216,576,090	37172
						<u>216,951,790</u>	
Federal	Special	Revenue Fund Group					37173
3AJ	100-623	Information Technology	\$	82,048	\$	82,048	37174
		Grants					
TOTAL	FSR	Federal Special Revenue	\$	82,048	\$	82,048	37175
Fund	Group						
Agency	Fund	Group					37176

124 100-629 Payroll Deductions	\$ 2,050,000,000	\$ 2,050,000,000	37177
TOTAL AGY Agency Fund Group	\$ 2,050,000,000	\$ 2,050,000,000	37178
Holding Account Redistribution Fund Group			37179
R08 100-646 General Services	\$ 20,000	\$ 20,000	37180
Refunds			
TOTAL 090 Holding Account			37181
Redistribution Fund Group	\$ 20,000	\$ 20,000	37182
TOTAL ALL BUDGET FUND GROUPS	\$ 2,429,325,279	\$ 2,429,808,118	37183
	<u>2,429,825,279</u>	<u>2,430,683,818</u>	

Sec. 203.12.12. CENTRAL SERVICE AGENCY FUND 37185

The Director of Budget and Management may transfer up to 37186
\$363,851 in fiscal year 2006 from the Occupational Licensing and 37187
Regulatory Fund (Fund 4K9) to the Central Service Agency Fund 37188
(Fund 115). The Director of Budget and Management may transfer up 37189
to \$45,184 in fiscal year 2006 from the State Medical Board 37190
Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 37191
115). The Director of Budget and Management may transfer up to 37192
\$625 in fiscal year 2006 from the Motor Vehicle Collision Repair 37193
Registration Fund (Fund 5H9) to the Central Service Agency Fund 37194
(Fund 115). The appropriation item 100-632, Central Service 37195
Agency, shall be used to purchase the necessary equipment, 37196
products, and services to maintain an automated application for 37197
the professional licensing boards, and to support their licensing 37198
functions in fiscal year 2006. The amount of the cash transfers is 37199
appropriated to appropriation item 100-632, Central Service 37200
Agency. 37201

The Department of Administrative Services shall establish 37202
charges for recovering the costs of maintaining an automated 37203
application for the professional licensing boards and for the 37204
costs of supporting licensing functions in fiscal year 2007. In 37205
establishing these charges for fiscal year 2007 any changes from 37206

the method used to calculate fiscal year 2006 costs to be 37207
recovered via transfer of funds or any changes from the type of 37208
costs recovered through fiscal year 2006 transfers are subject to 37209
Controlling Board approval. The charges shall be billed to the 37210
professional licensing boards and deposited via intrastate 37211
transfer vouchers to the credit of the Central Service Agency Fund 37212
(Fund 115). Total Department of Administrative Services charges 37213
for the maintenance and support of the licensing system in fiscal 37214
year 2007 shall not exceed \$375,700. 37215

Sec. 203.45. ATH ATHLETIC COMMISSION 37216

General Services Fund Group 37217
4K9 175-609 Operating Expenses \$ 248,150 \$ 0 255,850 37218
TOTAL GSF General Services Fund \$ 248,150 \$ 0 255,850 37219
Group
TOTAL ALL BUDGET FUND GROUPS \$ 248,150 \$ 0 255,850 37220

Sec. 203.51. AUD AUDITOR OF STATE 37222

General Revenue Fund 37223
GRF 070-321 Operating Expenses \$ ~~29,014,425~~ \$ ~~28,964,425~~ 37224
29,334,425 29,144,425
GRF 070-403 Fiscal Watch/Emergency \$ 500,000 \$ 500,000 37225
Technical Assistance
GRF 070-405 Electronic Data \$ 823,193 \$ 823,193 37226
Processing - Auditing
and Administration
GRF 070-406 Uniform Accounting \$ 1,588,538 \$ 1,588,538 37227
Network/Technology
Improvements Fund
TOTAL GRF General Revenue Fund \$ ~~31,926,156~~ \$ ~~31,876,156~~ 37228
32,246,156 32,056,156
Auditor of State Fund Group 37229

R06	070-604	Continuous Receipts	\$	35,000	\$	35,000	37230
109	070-601	Public Audit Expense -	\$	9,300,000	\$	9,300,000	37231
		Intra-State		<u>12,000,000</u>		<u>12,000,000</u>	
422	070-601	Public Audit Expense -	\$	31,104,840	\$	31,104,840	37232
		Local Government					
584	070-603	Training Program	\$	131,250	\$	131,250	37233
				<u>181,250</u>		<u>181,250</u>	
675	070-605	Uniform Accounting	\$	3,317,336	\$	3,317,336	37234
		Network					
TOTAL AUS <u>AUD</u> Auditor of State Fund							37235
Group			\$	43,888,426	\$	43,888,426	37236
				<u>46,638,426</u>		<u>46,638,426</u>	
TOTAL ALL BUDGET FUND GROUPS							37237
				<u>78,884,582</u>		<u>78,694,582</u>	

BILLING PRACTICES PILOT REVIEW 37238

Of the foregoing appropriation item 070-321, Operating 37239
 Expenses, \$50,000 shall be used by the Auditor of State to conduct 37240
 a pilot review of the billing practices of facilities licensed by 37241
 the Department of Mental Health and the Department of Job and 37242
 Family Services that serve children in a residential setting for 37243
 whom mental health treatment services are provided. In conducting 37244
 this review, the Auditor of State shall have access to any 37245
 information, records, or other data that would otherwise be 37246
 available to any federal, state, or local public agency that 37247
 provides funding to the facility. 37248

The Auditor of State shall prepare a report on the 37249
 conclusions of the pilot review, and shall furnish copies of the 37250
 report to the Governor, the Speaker of the House of 37251
 Representatives, and the President of the Senate, as well as to 37252
 the majority and minority leaders of the House of Representatives 37253
 and the Senate, by June 30, 2006. 37254

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 37255

The foregoing appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, shall be used for all expenses incurred by the Office of the Auditor of State in its role relating to fiscal watch or fiscal emergency activities under Chapters 118. and 3316. of the Revised Code. Expenses include, but are not limited to, the following: duties related to the determination or termination of fiscal watch or fiscal emergency of municipal corporations, counties, or townships as outlined in Chapter 118. of the Revised Code and of school districts as outlined in Chapter 3316. of the Revised Code; development of preliminary accounting reports; performance of annual forecasts; provision of performance audits; and supervisory, accounting, or auditing services for the mentioned public entities and school districts. The unencumbered balance of appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, at the end of fiscal year 2006 is transferred to fiscal year 2007 for use under the same appropriation item.

ELECTRONIC DATA PROCESSING

The unencumbered balance of appropriation item 070-405, Electronic Data Processing - Auditing and Administration, at the end of fiscal year 2006 is transferred to fiscal year 2007 for use under the same appropriation item.

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND

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.					37287
Sec. 203.54.	BRB BOARD OF BARBER EXAMINERS				37288
General Services Fund Group					37289
4K9 877-609 Operating Expenses	\$	568,126	\$	⊖ <u>567,119</u>	37290
TOTAL GSF General Services Fund					37291
Group	\$	568,126	\$	⊖ <u>567,119</u>	37292
TOTAL ALL BUDGET FUND GROUPS	\$	568,126	\$	⊖ <u>567,119</u>	37293
Sec. 203.66.	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				37295
General Services Fund Group					37296
4K9 930-609 Operating Expenses	\$	452,976	\$	⊖ <u>452,729</u>	37297
TOTAL GSF General Services Fund	\$	452,976	\$	⊖ <u>452,729</u>	37298
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	452,976	\$	⊖ <u>452,729</u>	37299
Sec. 203.69.	CHR STATE CHIROPRACTIC BOARD				37301
General Services Fund Group					37302
4K9 878-609 Operating Expenses	\$	605,278	\$	⊖ <u>621,621</u>	37303
TOTAL GSF General Services Fund	\$	605,278	\$	⊖ <u>621,621</u>	37304
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	605,278	\$	⊖ <u>621,621</u>	37305
Sec. 203.84.	COS STATE BOARD OF COSMETOLOGY				37307
General Services Fund Group					37308
4K9 879-609 Operating Expenses	\$	2,929,630	\$	⊖ <u>2,951,179</u>	37309
TOTAL GSF General Services Fund					37310
Group	\$	2,929,630	\$	⊖ <u>2,951,179</u>	37311
TOTAL ALL BUDGET FUND GROUPS	\$	2,929,630	\$	⊖ <u>2,951,179</u>	37312
Sec. 203.87.	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND				37314
FAMILY THERAPIST BOARD					37315

General Services Fund Group				37316
4K9 899-609 Operating Expenses	\$	1,058,445	\$ 0 <u>1,057,519</u>	37317
TOTAL GSF General Services Fund				37318
Group	\$	1,058,445	\$ 0 <u>1,057,519</u>	37319
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,445	\$ 0 <u>1,057,519</u>	37320

Sec. 203.99.01. OPERATING EXPENSES 37322

Of the foregoing appropriation item 195-321, Operating 37323
Expenses, \$50,000 in fiscal year 2006 and \$35,000 in fiscal year 37324
2007 shall be used ~~for~~ by Crawford County ~~to hire an employee to~~ 37325
~~act as a~~ for local economic development ~~coordinator for Crawford,~~ 37326
~~Hancock, Richland, and Marion Counties~~ purposes. 37327

Sec. 203.99.48. FACILITIES ESTABLISHMENT FUND 37328

The foregoing appropriation item 195-615, Facilities 37329
Establishment (Fund 037), shall be used for the purposes of the 37330
Facilities Establishment Fund under Chapter 166. of the Revised 37331
Code. 37332

Notwithstanding Chapter 166. of the Revised Code, up to 37333
\$1,800,000 in cash each fiscal year may be transferred from the 37334
Facilities Establishment Fund (Fund 037) to the Economic 37335
Development Financing Operating Fund (Fund 451). The transfer is 37336
subject to Controlling Board approval under division (B) of 37337
section 166.03 of the Revised Code. 37338

Notwithstanding Chapter 166. of the Revised Code, up to 37339
\$5,000,000 in cash each fiscal year may be transferred from the 37340
Facilities Establishment Fund (Fund 037) to the Shovel Ready Sites 37341
Fund (Fund 5CA). The transfer is subject to Controlling Board 37342
approval under division (B) of section 166.03 of the Revised Code. 37343

Notwithstanding Chapter 166. of the Revised Code, up to 37344
~~\$10,950,000~~ \$16,425,000 in cash may be transferred during the 37345

biennium from the Facilities Establishment Fund (Fund 037) to the 37346
Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of 37347
removing barriers to urban core redevelopment. The Director of 37348
Development shall develop program guidelines for the transfer and 37349
release of funds, including, but not limited to, the completion of 37350
all appropriate environmental assessments before state assistance 37351
is committed to a project. 37352

Notwithstanding Chapter 166. of the Revised Code, up to 37353
\$3,000,000 each fiscal year in cash may be transferred from the 37354
Facilities Establishment Fund (Fund 037) to the Rural Industrial 37355
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 37356
Board approval under section 166.03 of the Revised Code. 37357

FAMILY FARM LOAN PROGRAM 37358

Notwithstanding Chapter 166. of the Revised Code, up to 37359
\$1,000,000 in each fiscal year shall be transferred from moneys in 37360
the Facilities Establishment Fund (Fund 037) to the Family Farm 37361
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 37362
The moneys shall be used for loan guarantees. The transfer is 37363
subject to Controlling Board approval. 37364

Financial assistance from the Family Farm Loan Guarantee Fund 37365
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 37366
under sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the 37367
Revised Code. 37368

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 37369
exist, all outstanding balances, all loan repayments, and any 37370
other outstanding obligations shall revert to the Facilities 37371
Establishment Fund (Fund 037). 37372

RURAL DEVELOPMENT INITIATIVE FUND 37373

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 37374
entitled to receive moneys from the Facilities Establishment Fund 37375
(Fund 037). The Director of Development may make grants from the 37376

Rural Development Initiative Fund as specified in division (A)(2) 37377
of this section to eligible applicants in Appalachian counties and 37378
in rural counties in the state that are designated as distressed 37379
under section 122.25 of the Revised Code. Preference shall be 37380
given to eligible applicants located in Appalachian counties 37381
designated as distressed by the federal Appalachian Regional 37382
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 37383
cease to exist after June 30, 2007. All moneys remaining in the 37384
Fund after that date shall revert to the Facilities Establishment 37385
Fund (Fund 037). 37386

(2) The Director of Development shall make grants from the 37387
Rural Development Initiative Fund (Fund 5S8) only to eligible 37388
applicants who also qualify for and receive funding under the 37389
Rural Industrial Park Loan Program as specified in sections 122.23 37390
to 122.27 of the Revised Code. Eligible applicants shall use the 37391
grants for the purposes specified in section 122.24 of the Revised 37392
Code. All projects supported by grants from the fund are subject 37393
to Chapter 4115. of the Revised Code as specified in division (E) 37394
of section 166.02 of the Revised Code. The Director shall develop 37395
program guidelines for the transfer and release of funds. The 37396
release of grant moneys to an eligible applicant is subject to 37397
Controlling Board approval. 37398

(B) Notwithstanding Chapter 166. of the Revised Code, the 37399
Director of Budget and Management may transfer up to \$3,000,000 37400
each fiscal year in cash on an as needed basis at the request of 37401
the Director of Development from the Facilities Establishment Fund 37402
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 37403
The transfer is subject to Controlling Board approval under 37404
section 166.03 of the Revised Code. 37405

CAPITAL ACCESS LOAN PROGRAM 37406

The foregoing appropriation item 195-628, Capital Access Loan 37407

Program, shall be used for operating, program, and administrative 37408
expenses of the program. Funds of the Capital Access Loan Program 37409
shall be used to assist participating financial institutions in 37410
making program loans to eligible businesses that face barriers in 37411
accessing working capital and obtaining fixed asset financing. 37412

Notwithstanding Chapter 166. of the Revised Code, the 37413
Director of Budget and Management may transfer up to \$3,000,000 37414
each fiscal year in cash on an as needed basis at the request of 37415
the Director of Development from the Facilities Establishment Fund 37416
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 37417
transfer is subject to Controlling Board approval under section 37418
166.03 of the Revised Code. 37419

INNOVATION OHIO LOAN FUND 37420

The foregoing appropriation item 195-664, Innovation Ohio, 37421
shall be used to provide for innovation Ohio purposes, including 37422
loan guarantees and loans under Chapter 166. and particularly 37423
sections 166.12 to 166.16 of the Revised Code. 37424

RESEARCH AND DEVELOPMENT 37425

The foregoing appropriation item 195-665, Research and 37426
Development, shall be used to provide for research and development 37427
purposes, including loans, under Chapter 166. and particularly 37428
sections 166.17 to 166.21 of the Revised Code. 37429

Sec. 206.03. OBD OHIO BOARD OF DIETETICS 37430

General Services Fund Group 37431

4K9 860-609 Operating Expenses \$ 332,495 \$ 0 330,320 37432

TOTAL GSF General Services Fund 37433

Group \$ 332,495 \$ 0 330,320 37434

TOTAL ALL BUDGET FUND GROUPS \$ 332,495 \$ 0 330,320 37435

Sec. 206.09.12. COMPUTER/APPLICATION/NETWORK DEVELOPMENT 37437

The foregoing appropriation item 200-420, 37438
Computer/Application/Network Development, shall be used to support 37439
the development and implementation of information technology 37440
solutions designed to improve the performance and services of the 37441
Department of Education. Funds may be used for personnel, 37442
maintenance, and equipment costs related to the development and 37443
implementation of these technical system projects. Implementation 37444
of these systems shall allow the Department to provide greater 37445
levels of assistance to school districts and to provide more 37446
timely information to the public, including school districts, 37447
administrators, and legislators. 37448

ALTERNATIVE EDUCATION PROGRAMS 37449

There is hereby created the Alternative Education Advisory 37450
Council, which shall consist of one representative from each of 37451
the following agencies: the Ohio Department of Education; the 37452
Department of Youth Services; the Ohio Department of Alcohol and 37453
Drug Addiction Services; the Department of Mental Health; the 37454
Office of the Governor or, at the Governor's discretion, the 37455
Office of the Lieutenant Governor; the Office of the Attorney 37456
General; and the Office of the Auditor of State. 37457

Of the foregoing appropriation item 200-421, Alternative 37458
Education Programs, up to \$6,227,310 in each fiscal year shall be 37459
used for the renewal of successful implementation grants and for 37460
competitive matching grants to the 21 urban school districts as 37461
defined in division (O) of section 3317.02 of the Revised Code as 37462
it existed prior to July 1, 1998, and up to ~~\$6,408,074~~ \$6,161,074 37463
in each fiscal year shall be used for the renewal of successful 37464
implementation grants and for competitive matching grants to rural 37465
and suburban school districts for alternative educational programs 37466
for existing and new at-risk and delinquent youth. Programs shall 37467
be focused on youth in one or more of the following categories: 37468
those who have been expelled or suspended, those who have dropped 37469

out of school or who are at risk of dropping out of school, those 37470
who are habitually truant or disruptive, or those on probation or 37471
on parole from a Department of Youth Services facility. Grants 37472
shall be awarded according to the criteria established by the 37473
Alternative Education Advisory Council in 1999. Grants shall be 37474
awarded only to programs in which the grant will not serve as the 37475
program's primary source of funding. These grants shall be 37476
administered by the Department of Education. 37477

The Department of Education may waive compliance with any 37478
minimum education standard established under section 3301.07 of 37479
the Revised Code for any alternative school that receives a grant 37480
under this section on the grounds that the waiver will enable the 37481
program to more effectively educate students enrolled in the 37482
alternative school. 37483

Of the foregoing appropriation item 200-421, Alternative 37484
Education Programs, up to \$422,281 in each fiscal year may be used 37485
for program administration, monitoring, technical assistance, 37486
support, research, and evaluation. Any unexpended balance may be 37487
used to provide additional matching grants to urban, suburban, or 37488
rural school districts as outlined above. 37489

Of the foregoing appropriation item 200-421, Alternative 37490
Education Programs, \$247,000 in each fiscal year shall be used to 37491
contract with the Center for Learning Excellence at The Ohio State 37492
University to provide technical support for the project and the 37493
completion of formative and summative evaluation of the grants. 37494

Of the foregoing appropriation item 200-421, Alternative 37495
Education Programs, up to \$675,000 in fiscal year 2006 and up to 37496
\$500,000 in fiscal year 2007 may be used by the Department of 37497
Education to administer the Educational Choice Scholarship Pilot 37498
Program established under section 3310.02 of the Revised Code. 37499

Of the foregoing appropriation item 200-421, Alternative 37500

Education Programs, \$75,000 in each fiscal year shall be used to 37501
support the Toledo Tech Academy. 37502

Of the foregoing appropriation item 200-421, Alternative 37503
Education Programs, \$100,000 in each fiscal year shall be used for 37504
the Youth Opportunities United, Inc. 37505

SCHOOL MANAGEMENT ASSISTANCE 37506

Of the foregoing appropriation item 200-422, School 37507
Management Assistance, up to \$1,315,000 in each fiscal year shall 37508
be used by the Auditor of State in consultation with the 37509
Department of Education for expenses incurred in the Auditor of 37510
State's role relating to fiscal caution, fiscal watch, and fiscal 37511
emergency activities as defined in Chapter 3316. of the Revised 37512
Code and may also be used to conduct performance audits consistent 37513
with the recommendations of the Governor's Blue Ribbon Task Force 37514
on Financing Student Success, with priority given to districts in 37515
fiscal distress. Expenses include duties related to the completion 37516
of performance audits for school districts that the Superintendent 37517
of Public Instruction determines are employing fiscal practices or 37518
experiencing budgetary conditions that could produce a state of 37519
fiscal watch or fiscal emergency. 37520

The remainder of foregoing appropriation item 200-422, School 37521
Management Assistance, shall be used by the Department of 37522
Education to provide fiscal technical assistance and inservice 37523
education for school district management personnel and to 37524
administer, monitor, and implement the fiscal watch and fiscal 37525
emergency provisions under Chapter 3316. of the Revised Code. 37526

POLICY ANALYSIS 37527

The foregoing appropriation item 200-424, Policy Analysis, 37528
shall be used by the Department of Education to support a system 37529
of administrative, statistical, and legislative education 37530
information to be used for policy analysis. Staff supported by 37531

this appropriation shall administer the development of reports, 37532
analyses, and briefings to inform education policymakers of 37533
current trends in education practice, efficient and effective use 37534
of resources, and evaluation of programs to improve education 37535
results. The database shall be kept current at all times. These 37536
research efforts shall be used to supply information and analysis 37537
of data to the General Assembly and other state policymakers, 37538
including the Office of Budget and Management and the Legislative 37539
Service Commission. 37540

The Department of Education may use funding from this 37541
appropriation item to purchase or contract for the development of 37542
software systems or contract for policy studies that will assist 37543
in the provision and analysis of policy-related information. 37544
Funding from this appropriation item also may be used to monitor 37545
and enhance quality assurance for research-based policy analysis 37546
and program evaluation to enhance the effective use of education 37547
information to inform education policymakers. 37548

TECH PREP CONSORTIA SUPPORT 37549

The foregoing appropriation item 200-425, Tech Prep Consortia 37550
Support, shall be used by the Department of Education to support 37551
state-level activities designed to support, promote, and expand 37552
tech prep programs. Use of these funds shall include, but not be 37553
limited to, administration of grants, program evaluation, 37554
professional development, curriculum development, assessment 37555
development, program promotion, communications, and statewide 37556
coordination of tech prep consortia. 37557

OHIO EDUCATIONAL COMPUTER NETWORK 37558

The foregoing appropriation item 200-426, Ohio Educational 37559
Computer Network, shall be used by the Department of Education to 37560
maintain a system of information technology throughout Ohio and to 37561
provide technical assistance for such a system in support of the 37562

State Education Technology Plan under section 3301.07 of the Revised Code. 37563
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Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$18,136,691 in each fiscal year shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to assist data acquisition sites or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to the data acquisition sites or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, or high schools chartered by the Ohio Department of Youth Services and high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System. 37565
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Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$1,700,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network. 37585
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Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$8,338,468 in each fiscal year shall be used, through a formula and guidelines devised by the department, to subsidize the activities of designated data acquisition sites, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information 37588
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services, including approved computerized financial accounting, 37595
and to ensure the effective operation of local automated 37596
administrative and instructional systems. 37597

Of the foregoing appropriation item 200-426, Ohio Educational 37598
Computer Network, up to \$769,223 in each fiscal year shall be used 37599
for the INFOhio Network to support the provision of electronic 37600
resources with priority given to resources that support the 37601
teaching of state academic content standards to all public 37602
schools. Consideration shall be given by the Department of 37603
Education to coordinating the allocation of these moneys with the 37604
efforts of Libraries Connect Ohio, whose members include OhioLINK, 37605
the Ohio Public Information Network, and the State Library of 37606
Ohio. 37607

The remainder of appropriation item 200-426, Ohio Educational 37608
Computer Network, shall be used to support development, 37609
maintenance, and operation of a network of uniform and compatible 37610
computer-based information and instructional systems. This 37611
technical assistance shall include, but not be restricted to, 37612
development and maintenance of adequate computer software systems 37613
to support network activities. In order to improve the efficiency 37614
of network activities, the Department and data acquisition sites 37615
may jointly purchase equipment, materials, and services from funds 37616
provided under this appropriation for use by the network and, when 37617
considered practical by the Department, may utilize the services 37618
of appropriate state purchasing agencies. 37619

ACADEMIC STANDARDS 37620

Of the foregoing appropriation item 200-427, Academic 37621
Standards, up to \$747,912 in each fiscal year shall be used to 37622
provide funds to school districts that have one or more teachers 37623
participating in the teachers-on-loan program. 37624

Of the foregoing appropriation item 200-427, Academic 37625

Standards, \$150,000 in each fiscal year shall be used by the
Department in combination with funding earmarked for this purpose
in the Board of Regents' budget under appropriation item 235-321,
Operating Expenses. Such funding shall be used to support Ohio's
Partnership for Continued Learning at the direction of the Office
of the Governor. Ohio's Partnership for Continued Learning
replaces and broadens the former Joint Council of the Department
of Education and the Board of Regents. The Partnership shall
advise and make recommendations to promote collaboration among
relevant state entities in an effort to help local communities
develop coherent and successful "P-16" learning systems. The
Governor, or the Governor's designee, shall serve as the
chairperson.

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Of the foregoing appropriation item 200-427, Academic
Standards, \$1,000,000 in each fiscal year shall be used for
Project Lead the Way leadership and management oversight and
initial and continuing support of Project Lead the Way workforce
development programs in participating school districts. Project
Lead the Way is a program that supports students interested in
pursuing engineering professions and stimulates growth of career
pathways that meet business and industry workforce needs.

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Of the foregoing appropriation item 200-427, Academic
Standards, up to \$2,600,000 in each fiscal year shall be used for
intensive teacher professional development institutes that focus
on classroom implementation of the mathematics standards.

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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.

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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

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JASON Expedition content. Funds shall be used to provide 37657
professional development training for teachers participating in 37658
the project, statewide management, and a seventy-five per cent 37659
subsidy for statewide licensing of JASON Expedition content with 37660
priority given to content aligned with state academic content 37661
standards for approximately 90,000 middle school students 37662
statewide. 37663

Of the foregoing appropriation item 200-427, Academic 37664
Standards, \$285,000 in each fiscal year shall be used for the Ohio 37665
Science Institute (OSCI). 37666

The remainder of appropriation item 200-427, Academic 37667
Standards, shall be used by the Department of Education to develop 37668
and communicate to school districts academic content standards and 37669
curriculum models. 37670

Sec. 206.09.15. SCHOOL IMPROVEMENT INITIATIVES 37671

Of the foregoing appropriation item 200-431, School 37672
Improvement Initiatives, \$300,000 in fiscal year 2006 and \$450,000 37673
in fiscal year 2007 shall be used for Ohio's Rural Appalachian 37674
Leadership Development Initiative. 37675

Of the foregoing appropriation item 200-431, School 37676
Improvement Initiatives, up to \$601,165 in each fiscal year shall 37677
be used by the Department of Education to contract with 37678
educational media centers to provide Ohio public schools with 37679
instructional resources and services with priority given to 37680
resources and services aligned with state academic content 37681
standards. 37682

Of the foregoing appropriation item 200-431, School 37683
Improvement Initiatives, up to \$13,972,949 in fiscal year 2006 and 37684
\$13,672,678 in fiscal year 2007 shall be used to provide technical 37685
assistance to school districts that are declared to be in a state 37686

of academic watch or academic emergency under section 3302.03 of 37687
the Revised Code, to provide support to districts in the 37688
development and implementation of their continuous improvement 37689
plans as required in section 3302.04 of the Revised Code, to 37690
support a statewide comprehensive system of field relations that 37691
support local educators' abilities to foster academic achievement 37692
in the students they serve, and to provide technical assistance 37693
and support in accordance with Title I of the "No Child Left 37694
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. The field 37695
relations system shall include training that assists educators, 37696
school leadership, and technical assistance providers in 37697
understanding and implementing standards-based education, data 37698
analysis, and development of assessment systems for quality 37699
instruction. 37700

Of the foregoing appropriation item 200-431, School 37701
Improvement Initiatives, up to \$315,000 in each fiscal year shall 37702
be used to reduce the dropout rate by addressing the academic and 37703
social problems of inner-city students through Project GRAD. 37704

Of the foregoing appropriation item 200-431, School 37705
Improvement Initiatives, \$1,574,535 in fiscal year 2006 and 37706
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 37707
funding provided in the Board of Regents' budget under 37708
appropriation item 235-434, College Readiness and Access, to 37709
create early college high schools, which are small, autonomous 37710
schools that blend high school and college into a coherent 37711
educational program. The funds shall be distributed according to 37712
guidelines established by the Department of Education and the 37713
Board of Regents. 37714

Of the foregoing appropriation item 200-431, School 37715
Improvement Initiatives, up to \$2,935,000 in fiscal year 2006 and 37716
up to \$4,935,000 in fiscal year 2007 shall be used in partnership 37717
with nonprofit groups with expertise in converting existing large 37718

urban high schools into small, personalized high schools. 37719
Districts eligible for such funding include the Urban 21 high 37720
schools, as defined in division (O) of section 3317.02 of the 37721
Revised Code as it existed prior to July 1, 1998. 37722

Of the foregoing appropriation item 200-431, School 37723
Improvement Initiatives, up to \$65,000 in each fiscal year shall 37724
be provided to Southern State Community College for the Pilot 37725
Post-Secondary Enrollment Options Program with Miami Trace High 37726
School. 37727

Of the foregoing appropriation item 200-431, School 37728
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 37729
used to support Jobs for Ohio Graduates (JOG). The Department of 37730
Education shall require a two-to-one match of local funding to 37731
state funding before releasing these funds to JOG. 37732

Of the foregoing appropriation item 200-431, School 37733
Improvement Initiatives, \$50,000 in each fiscal year shall be used 37734
for the Big City Schools Program in Cincinnati. 37735

Of the foregoing appropriation item 200-431, School 37736
Improvement Initiatives, \$1,000,000 shall be used in fiscal year 37737
2006 to support Improved Solutions for Urban Students (ISUS) in 37738
Dayton. 37739

READING/WRITING IMPROVEMENT-PROFESSIONAL DEVELOPMENT 37740

Of the foregoing appropriation item 200-433, Reading/Writing 37741
Improvement-Professional Development, up to \$9,790,000 in each 37742
fiscal year shall be used for educator training in literacy for 37743
classroom teachers, administrators, and literacy specialists. 37744

Of the foregoing appropriation item 200-433, Reading/Writing 37745
Improvement-Professional Development, up to \$5,000,000 in each 37746
fiscal year shall be used to support literacy professional 37747
development partnerships between the Department of Education, 37748

higher education institutions, literacy networks, and school 37749
districts. 37750

Of the foregoing appropriation item 200-433, Reading/Writing 37751
Improvement-Professional Development, up to \$900,000 in each 37752
fiscal year shall be used by the Department of Education to fund 37753
the Reading Recovery Training Network, to cover the cost of 37754
release time for the teacher trainers, and to provide grants to 37755
districts to implement other reading improvement programs on a 37756
pilot basis. Funds from this set-aside also may be used to conduct 37757
evaluations of the impact and effectiveness of Reading Recovery 37758
and other reading improvement programs. 37759

Of the foregoing appropriation item 200-433, Reading/Writing 37760
Improvement-Professional Development, up to \$250,000 in each 37761
fiscal year shall be used for the Waterford Early Reading Program. 37762

The remainder of appropriation item 200-433, Reading/Writing 37763
Improvement-Professional Development, shall be used by the 37764
Department of Education to provide administrative support of 37765
literacy professional development programs. 37766

STUDENT ASSESSMENT 37767

The foregoing appropriation item 200-437, Student Assessment, 37768
shall be used to develop, field test, print, distribute, score, 37769
report results, and support other associated costs for the tests 37770
required under sections 3301.0710 and 3301.0711 of the Revised 37771
Code and for similar purposes as required by section 3301.27 of 37772
the Revised Code. 37773

ACCOUNTABILITY/REPORT CARDS 37774

Of the foregoing appropriation item 200-439, 37775
Accountability/Report Cards, up to \$200,100 in fiscal year 2006 37776
and up to \$3,778,540 in fiscal year 2007 shall be used by the 37777
Department of Education to incorporate a statewide pilot 37778

value-added progress dimension into performance ratings for school 37779
districts and to train regional specialists. This funding shall be 37780
used in consultation with a credible nonprofit organization with 37781
expertise in value-added progress dimensions. 37782

The remainder of the appropriation item 200-439, 37783
Accountability/Report Cards, shall be used for the development of 37784
an accountability system that includes the preparation and 37785
distribution of school report cards under section 3302.03 of the 37786
Revised Code. 37787

CHILD CARE LICENSING 37788

The foregoing appropriation item 200-442, Child Care 37789
Licensing, shall be used by the Department of Education to license 37790
and to inspect preschool and school-age child care programs under 37791
sections 3301.52 to 3301.59 of the Revised Code. 37792

OHIOREADS VOLUNTEER SUPPORT 37793

The foregoing appropriation item 200-445, OhioReads Volunteer 37794
Support, may be allocated by the Department of Education for 37795
volunteer coordinators in public school buildings, for background 37796
checks for volunteers, to evaluate programs, and to develop, 37797
implement, and support literacy improvement activities and 37798
interventions for students in grades kindergarten through twelve. 37799

Sec. 206.09.21. PUPIL TRANSPORTATION 37800

Of the foregoing appropriation item 200-502, Pupil 37801
Transportation, up to \$822,400 in each fiscal year may be used by 37802
the Department of Education for training prospective and 37803
experienced school bus drivers in accordance with training 37804
programs prescribed by the Department. Up to \$58,115,428 in fiscal 37805
year 2006 and up to \$59,277,737 in fiscal year 2007 may be used by 37806
the Department of Education for special education transportation 37807
reimbursements to school districts and county MR/DD boards for 37808

transportation operating costs as provided in division ~~(M)~~(J) of 37809
section 3317.024 of the Revised Code. The remainder of 37810
appropriation item 200-502, Pupil Transportation, shall be used 37811
for the state reimbursement of public school districts' costs in 37812
transporting pupils to and from the school they attend in 37813
accordance with the district's policy, State Board of Education 37814
standards, and the Revised Code. 37815

Notwithstanding the distribution formula outlined in division 37816
(D) of section 3317.022 of the Revised Code, each school district 37817
shall receive an additional two per cent in state funding for 37818
transportation in fiscal year 2006 over what was received in 37819
fiscal year 2005, and the local share of transportation costs that 37820
is used in the calculation of the charge-off supplement and excess 37821
cost supplement for each school district in fiscal year 2006 shall 37822
be increased by two per cent from that used in calculations in 37823
fiscal year 2005. 37824

Notwithstanding the distribution formula outlined in division 37825
(D) of section 3317.022 of the Revised Code, each school district 37826
shall receive an additional two per cent in state funding for 37827
transportation in fiscal year 2007 over what was received in 37828
fiscal year 2006, and the local share of transportation costs that 37829
is used in the calculation of the charge-off supplement and excess 37830
cost supplement for each school district in fiscal year 2007 shall 37831
be increased by two per cent from that used in calculations in 37832
fiscal year 2006. 37833

The Department of Education shall recommend a new formula for 37834
allocating state funds for transportation costs. The Department 37835
shall submit the recommendation to the Director of Budget and 37836
Management, the Speaker of the House of Representatives, and the 37837
President of the Senate not later than July 1, 2006. 37838

School districts not receiving state funding for 37839

transportation in fiscal year 2005 under division (D) of section 37840
3317.022 of the Revised Code shall not receive state funding for 37841
transportation in fiscal year 2006 or fiscal year 2007. 37842

BUS PURCHASE ALLOWANCE 37843

The foregoing appropriation item 200-503, Bus Purchase 37844
Allowance, shall be distributed to school districts, educational 37845
service centers, and county MR/DD boards pursuant to rules adopted 37846
under section 3317.07 of the Revised Code. Up to 28 per cent of 37847
the amount appropriated may be used to reimburse school districts 37848
and educational service centers for the purchase of buses to 37849
transport handicapped and nonpublic school students and to county 37850
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 37851
for the Blind for the purchase of buses to transport handicapped 37852
students. 37853

SCHOOL LUNCH MATCH 37854

The foregoing appropriation item 200-505, School Lunch Match, 37855
shall be used to provide matching funds to obtain federal funds 37856
for the school lunch program. 37857

Sec. 206.09.27. GIFTED PUPIL PROGRAM 37858

The foregoing appropriation item 200-521, Gifted Pupil 37859
Program, shall be used for gifted education units not to exceed 37860
1,110 in each fiscal year under division ~~(P)~~(L) of section 37861
3317.024 and division (F) of section 3317.05 of the Revised Code. 37862

Of the foregoing appropriation item 200-521, Gifted Pupil 37863
Program, up to \$4,700,000 in each fiscal year may be used as an 37864
additional supplement for identifying gifted students under 37865
Chapter 3324. of the Revised Code. 37866

Of the foregoing appropriation item 200-521, Gifted Pupil 37867
Program, the Department of Education may expend up to \$940,000 in 37868
each fiscal year for the Summer Honors Institute for gifted 37869

freshman and sophomore high school students. Up to \$65,800 in each 37870
fiscal year shall be used for the Ohio Summer School for the 37871
Gifted (Martin Essex Program). 37872

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 37873

The foregoing appropriation item 200-532, Nonpublic 37874
Administrative Cost Reimbursement, shall be used by the Department 37875
of Education for the purpose of implementing section 3317.063 of 37876
the Revised Code. 37877

Sec. 206.09.36. FOUNDATION FUNDING 37878

The foregoing appropriation item 200-550, Foundation Funding, 37879
includes \$85,000,000 in each fiscal year for the state education 37880
aid offset due to the change in public utility valuation as a 37881
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 37882
General Assembly. This amount represents the total state education 37883
aid offset due to the valuation change for school districts and 37884
joint vocational school districts from all relevant appropriation 37885
line item sources. Upon certification by the Department of 37886
Education, in consultation with the Department of Taxation, to the 37887
Director of Budget and Management of the actual state aid offset, 37888
the cash transfer from ~~fund~~ Fund 053, appropriation item 200-900, 37889
School District Property Tax Replacement - Utility, shall be 37890
decreased or increased by the Director of Budget and Management to 37891
match the certification in accordance with section 5727.84 of the 37892
Revised Code. 37893

Of the foregoing appropriation item 200-550, Foundation 37894
Funding, up to \$425,000 shall be expended in each fiscal year for 37895
court payments under section 2151.357 of the Revised Code; an 37896
amount shall be available in each fiscal year for the cost of 37897
reappraisal guarantee under section 3317.04 of the Revised Code; 37898
an amount shall be available in each fiscal year to fund up to 225 37899

full-time equivalent approved GRADS teacher grants under division 37900
(~~R~~)(N) of section 3317.024 of the Revised Code; an amount shall be 37901
available in each fiscal year to make payments to school districts 37902
under division (A)(3) of section 3317.022 of the Revised Code; an 37903
amount shall be available in each fiscal year to make payments to 37904
school districts under division (F) of section 3317.022 of the 37905
Revised Code; an amount shall be available in each fiscal year to 37906
make payments to school districts under division (C) of section 37907
3317.0212 of the Revised Code; and up to \$30,000,000 in each 37908
fiscal year shall be reserved for payments under sections 37909
3317.026, 3317.027, and 3317.028 of the Revised Code except that 37910
the Controlling Board may increase the \$30,000,000 amount if 37911
presented with such a request from the Department of Education. Of 37912
the foregoing appropriation item 200-550, Foundation Funding, up 37913
to \$18,000,000 in fiscal year 2006 and up to \$19,000,000 in fiscal 37914
year 2007 shall be used to provide additional state aid to school 37915
districts for special education students under division (C)(3) of 37916
section 3317.022 of the Revised Code; up to \$2,000,000 in each 37917
fiscal year shall be reserved for Youth Services tuition payments 37918
under section 3317.024 of the Revised Code; and up to \$52,000,000 37919
in each fiscal year shall be reserved to fund the state 37920
reimbursement of educational service centers under section 3317.11 37921
of the Revised Code and the section of this act entitled 37922
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 37923
available for special education weighted funding under division 37924
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 37925
of the Revised Code. 37926

Of the foregoing appropriation item 200-550, Foundation 37927
Funding, an amount shall be available in each fiscal year to be 37928
used by the Department of Education for transitional aid for 37929
school districts and joint vocational school districts. Funds 37930
shall be distributed under the sections of this act entitled 37931

"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 37932
DISTRICTS" ~~AND~~ and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 37933
DISTRICTS." 37934

Of the foregoing appropriation item 200-550, Foundation 37935
Funding, up to \$1,000,000 in each fiscal year shall be used by the 37936
Department of Education for a program to pay for educational 37937
services for youth who have been assigned by a juvenile court or 37938
other authorized agency to any of the facilities described in 37939
division (A) of the section of this act entitled "PRIVATE 37940
TREATMENT FACILITY PROJECT." 37941

Of the foregoing appropriation item 200-550, Foundation 37942
Funding, up to \$3,700,000 in each fiscal year shall be used for 37943
school breakfast programs. Of this amount, up to \$900,000 shall be 37944
used in each fiscal year by the Department of Education to 37945
contract with the Children's Hunger Alliance to expand access to 37946
child nutrition programs consistent with the organization's 37947
continued ability to meet specified performance measures as 37948
detailed in the contract. Of this amount, the Children's Hunger 37949
Alliance shall use at least \$150,000 in each fiscal year to 37950
subcontract with an appropriate organization or organizations to 37951
expand summer food participation in underserved areas of the 37952
state, consistent with those organizations' continued ability to 37953
meet specified performance measures as detailed in the 37954
subcontracts. The remainder of the appropriation shall be used to 37955
partially reimburse school buildings within school districts that 37956
are required to have a school breakfast program under section 37957
3313.813 of the Revised Code, at a rate decided by the Department. 37958

Of the foregoing appropriation item 200-550, Foundation 37959
Funding, up to \$8,800,000 in fiscal year 2006 and up to \$8,600,000 37960
in fiscal year 2007 shall be used to operate the school choice 37961
program in the Cleveland Municipal School District under sections 37962
3313.974 to 3313.979 of the Revised Code. 37963

Of the portion of the funds distributed to the Cleveland 37964
Municipal School District under this section, up to \$10,401,887 in 37965
fiscal year 2006 and up to \$11,901,887 in fiscal year 2007 shall 37966
be used to operate the school choice program in the Cleveland 37967
Municipal School District under sections 3313.974 to 3313.979 of 37968
the Revised Code. 37969

The remaining portion of appropriation item 200-550, 37970
Foundation Funding, shall be expended for the public schools of 37971
city, local, exempted village, and joint vocational school 37972
districts, including base_cost funding, special education speech 37973
service enhancement funding, career-technical education weight 37974
funding, career-technical education associated service funding, 37975
guarantee funding, teacher training and experience funding, 37976
poverty-based assistance, parity aid, charge-off supplement, and 37977
excess cost supplement under sections 3317.022, 3317.023, 37978
3317.029, 3317.0212, 3317.0216, 3317.0217, and 3317.16 of the 37979
Revised Code. 37980

Appropriation items 200-502, Pupil Transportation, 200-521, 37981
Gifted Pupil Program, 200-540, Special Education Enhancements, and 37982
200-550, Foundation Funding, other than specific set-asides, are 37983
collectively used in each fiscal year to pay state formula aid 37984
obligations for school districts and joint vocational school 37985
districts under Chapter 3317. of the Revised Code. The first 37986
priority of these appropriation items, with the exception of 37987
specific set-asides, is to fund state formula aid obligations 37988
under Chapter 3317. of the Revised Code. It may be necessary to 37989
reallocate funds among these appropriation items or use excess 37990
funds from other general revenue fund appropriation items in the 37991
Department of Education's budget in each fiscal year, in order to 37992
meet state formula aid obligations. If it is determined that it is 37993
necessary to transfer funds among these appropriation items or to 37994
transfer funds from other General Revenue Fund appropriations in 37995

the Department of Education's budget to meet state formula aid 37996
obligations, the Department of Education shall seek approval from 37997
the Controlling Board to transfer funds as needed. 37998

Sec. 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND 37999
EXEMPTED VILLAGE SCHOOL DISTRICTS 38000

(A) The Department of Education shall distribute funds within 38001
appropriation item 200-550, Foundation Funding, for transitional 38002
aid in each fiscal year to each qualifying city, local, and 38003
exempted village school district. 38004

In fiscal years 2006 and 2007, the Department shall pay 38005
transitional aid to each city, local, or exempted village school 38006
district that experiences any decrease in its SF-3 funding plus 38007
charge-off supplement for the current fiscal year from its SF-3 38008
funding plus charge-off supplement for the previous fiscal year. 38009
The amount of the transitional aid payment shall equal the 38010
difference between the district's SF-3 funding plus charge-off 38011
supplement for the current fiscal year and its SF-3 funding plus 38012
charge-off supplement for the previous fiscal year. 38013

(B)(1) Subject to divisions (B)(2) and (3) of this section, 38014
the "SF-3 funding plus charge-off supplement" for each city, 38015
local, and exempted village school district in fiscal years 2006 38016
and 2007 equals the sum of the following: 38017

(a) Base-cost funding under division (A) of section 3317.022 38018
of the Revised Code; 38019

(b) Special education and related services additional 38020
weighted funding under division (C)(1) of section 3317.022 of the 38021
Revised Code; 38022

(c) Speech services funding under division (C)(4) of section 38023
3317.022 of the Revised Code; 38024

(d) Vocational education additional weighted funding under 38025

division (E) of section 3317.022 of the Revised Code;	38026
(e) GRADS funding under division (R) <u>(N)</u> of section 3317.024 of the Revised Code;	38027 38028
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	38029 38030 38031
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	38032 38033
(h) Gifted education units under section 3317.05 of the Revised Code;	38034 38035
(i) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	38036 38037
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	38038 38039
(k) Parity aid under section 3317.0217 of the Revised Code;	38040
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	38041 38042
(m) The charge-off supplement under section 3317.0216 of the Revised Code.	38043 38044
(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 transitional aid paid to the district under that section, that the district actually received in fiscal year 2005 minus (b) the amount of parity aid and the amount of disadvantaged pupil impact aid deducted that year under division (C)(6) of section 3314.08 of the Revised Code, as that section existed that year, and Section 16 of Am. Sub. S.B. 2 of the 125th General Assembly on behalf of	38045 38046 38047 38048 38049 38050 38051 38052 38053 38054 38055

students entitled to attend school in the district who were 38056
enrolled in Internet- and computer-based community schools. For 38057
purposes of calculating transitional aid in fiscal year 2007, a 38058
district's fiscal year 2006 SF-3 funding plus charge-off 38059
supplement is the sum of the amounts described in divisions 38060
(B)(1)(a) to (n) of this section, plus any transitional aid paid 38061
to the district under this section, that the district actually 38062
received in fiscal year 2006. 38063

(3) The SF-3 funding plus charge-off supplement in each 38064
fiscal year for each district is the sum of the amounts specified 38065
in divisions (B)(1)(a) to (n) and (B)(2) of this section less any 38066
general revenue fund spending reductions ordered by the Governor 38067
under section 126.05 of the Revised Code. 38068

(C)(1) When calculating the reappraisal guarantee under 38069
division (C) or (D) of section 3317.04 of the Revised Code in 38070
fiscal year 2006, the Department shall: 38071

(a) Include in a school district's fiscal year 2005 payments 38072
any transitional aid paid to the district in fiscal year 2005 38073
under Section 41.37 of Am. Sub. H.B. 95 of the 125th General 38074
Assembly, as amended; 38075

(b) Subtract from a school district's fiscal year 2005 38076
payments the amount of parity aid and the amount of disadvantaged 38077
pupil impact aid deducted that year under division (C)(6) of 38078
section 3314.08 of the Revised Code, as that section existed that 38079
year, and Section 16 of Am. Sub. S.B. 2 of the 125th General 38080
Assembly on behalf of students entitled to attend school in the 38081
district who were enrolled in Internet- and computer-based 38082
community schools. 38083

(2) When calculating the reappraisal guarantee under division 38084
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 38085
2007, the Department shall include in a school district's fiscal 38086

year 2006 payments any transitional aid paid to the district in 38087
fiscal year 2006 under this section. 38088

(3) When calculating the reappraisal guarantee under division 38089
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 38090
2008, the Department shall include in a school district's fiscal 38091
year 2007 payments any transitional aid paid to the district in 38092
fiscal year 2007 under this section. 38093

Sec. 206.09.42. TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 38094
DISTRICTS 38095

(A) The Department of Education shall distribute funds within 38096
appropriation item 200-550, Foundation Funding, for transitional 38097
aid in each fiscal year to each joint vocational school district 38098
that experiences a decrease in its joint vocational funding for 38099
the current fiscal year from the previous fiscal year. The 38100
Department shall distribute to each such district transitional aid 38101
in an amount equal to the decrease in the district's joint 38102
vocational funding from the previous fiscal year. 38103

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 38104
district's joint vocational funding equals the sum of the 38105
following: 38106

(a) Base-cost funding under division (B) of section 3317.16 38107
of the Revised Code; 38108

(b) Special education and related services additional 38109
weighted funding under division (D)(1) of section 3317.16 of the 38110
Revised Code; 38111

(c) Speech services funding under division (D)(2) of section 38112
3317.16 of the Revised Code; 38113

(d) Vocational education additional weighted funding under 38114
division (C) of section 3317.16 of the Revised Code; 38115

(e) GRADS funding under division (R) <u>(N)</u> of section 3317.024	38116
of the Revised Code;	38117
(f) The state aid guarantee under division (H) of section	38118
3317.16 of the Revised Code.	38119
(2) For purposes of calculating transitional aid in fiscal	38120
year 2007, a district's fiscal year 2006 joint vocational funding	38121
is the sum of the amounts described in divisions (B)(1)(a) to (f)	38122
of this section, plus any transitional aid paid to the district	38123
under this section, that the district actually received in fiscal	38124
year 2006.	38125
(3) The joint vocational funding in each fiscal year for each	38126
district is the sum of the amounts specified in divisions	38127
(B)(1)(a) to (f) and (B)(2) of this section less any general	38128
revenue fund spending reductions ordered by the Governor under	38129
section 126.05 of the Revised Code.	38130
EMERGENCY LOAN INTEREST SUBSIDY	38131
The foregoing appropriation item 200-558, Emergency Loan	38132
Interest Subsidy, shall be used to provide a subsidy to school	38133
districts receiving emergency school loans pursuant to section	38134
3313.484 of the Revised Code. The subsidy shall be used to pay	38135
these districts the difference between the amount of interest the	38136
district is paying on an emergency loan, and the interest that the	38137
district would have paid if the interest rate on the loan had been	38138
two per cent.	38139
*Sec. 206.09.66. DISTRIBUTION FORMULAS	38140
The Department of Education shall report the following to the	38141
Director of Budget and Management, the Legislative Office of	38142
Education Oversight , and the Legislative Service Commission:	38143
(A) Changes in formulas for distributing state	38144
appropriations, including administratively defined formula	38145

factors;	38146
(B) Discretionary changes in formulas for distributing federal appropriations;	38147 38148
(C) Federally mandated changes in formulas for distributing federal appropriations.	38149 38150
Any such changes shall be reported two weeks prior to the effective date of the change.	38151 38152
Sec. 206.09.84. (A) As used in this section:	38153
(1) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 and <u>or</u> 3313.65 of the Revised Code.	38154 38155 38156
(2) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	38157 38158
(3) "Individualized education program" has the same meaning as in section 3323.01 of the Revised Code.	38159 38160
(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	38161 38162
(5) "Qualified special education child" is a child for whom all of the following conditions apply:	38163 38164
(a) The school district in which the child is entitled to attend school has identified the child as autistic. <u>A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.</u>	38165 38166 38167 38168 38169
(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.	38170 38171 38172
(c) The child either:	38173

(i) Was enrolled in the school district in which the child is 38174
entitled to attend school in any grade from preschool through 38175
twelve in the school year prior to the year in which a scholarship 38176
under this section is first sought for the child; or 38177

(ii) Is eligible to enter school in any grade preschool 38178
through twelve in the school district in which the child is 38179
entitled to attend school in the school year in which a 38180
scholarship under this section is first sought for the child. 38181

(6) "Registered private provider" means a nonpublic school or 38182
other nonpublic entity that has been approved by the Department of 38183
Education to participate in the program established under this 38184
section. 38185

(B) There is hereby established the Pilot Project Special 38186
Education Scholarship Program. Under the program, in fiscal years 38187
2006 and 2007, the Department of Education shall pay a scholarship 38188
to the parent of each qualified special education child upon 38189
application of that parent pursuant to procedures and deadlines 38190
established by rule of the State Board of Education. Each 38191
scholarship shall be used only to pay tuition for the child on 38192
whose behalf the scholarship is awarded to attend a special 38193
education program that implements the child's individualized 38194
education program and that is operated by a school district other 38195
than the school district in which the child is entitled to attend 38196
school, by another public entity, or by a registered private 38197
provider. Each scholarship shall be in an amount not to exceed the 38198
lesser of the tuition charged for the child by the special 38199
education program or twenty thousand dollars. The purpose of the 38200
scholarship is to permit the parent of a qualified special 38201
education child the choice to send the child to a special 38202
education program, instead of the one operated by or for the 38203
school district in which the child is entitled to attend school, 38204
to receive the services prescribed in the child's individualized 38205

education program once the individualized education program is 38206
finalized. A scholarship under this section shall not be awarded 38207
to the parent of a child while the child's individualized 38208
education program is being developed by the school district in 38209
which the child is entitled to attend school, or while any 38210
administrative or judicial mediation or proceedings with respect 38211
to the content of the child's individualized education program are 38212
pending. A scholarship under this section shall not be used for a 38213
child to attend a public special education program that operates 38214
under a contract, compact, or other bilateral agreement between 38215
the school district in which the child is entitled to attend 38216
school and another school district or other public provider, or 38217
for a child to attend a community school established under Chapter 38218
3314. of the Revised Code. However, nothing in this section or in 38219
any rule adopted by the State Board of Education shall prohibit a 38220
parent whose child attends a public special education program 38221
under a contract, compact, or other bilateral agreement, or a 38222
parent whose child attends a community school, from applying for 38223
and accepting a scholarship under this section so that the parent 38224
may withdraw the child from that program or community school and 38225
use the scholarship for the child to attend a special education 38226
program for which the parent is required to pay for services for 38227
the child. A child attending a special education program with a 38228
scholarship under this section shall continue to be entitled to 38229
transportation to and from that program in the manner prescribed 38230
by law. 38231

(C)(1) Notwithstanding anything to the contrary in the 38232
Revised Code, a child for whom a scholarship is awarded under this 38233
section shall be counted in the formula ADM and the category six 38234
special education ADM of the district in which the child is 38235
entitled to attend school and not in the formula ADM and the 38236
category six special education ADM of any other school district. 38237

(2) In each fiscal year, the Department shall deduct from the 38238
amounts paid to each school district under Chapter 3317. of the 38239
Revised Code, and, if necessary, sections 321.24 and 323.156 of 38240
the Revised Code, the aggregate amount of scholarships awarded 38241
under this section for qualified special education children 38242
included in the formula ADM and category six special education ADM 38243
of that school district as provided in division (C)(1) of this 38244
section. The scholarships deducted shall be considered as an 38245
approved special education and related services expense for the 38246
purpose of the school district's compliance with division (C)(5) 38247
of section 3317.022 of the Revised Code. 38248

(3) From time to time, the Department shall make a payment to 38249
the parent of each qualified special education child for whom a 38250
scholarship has been awarded under this section. The scholarship 38251
amount shall be proportionately reduced in the case of any such 38252
child who is not enrolled in the special education program for 38253
which a scholarship was awarded under this section for the entire 38254
school year. The Department shall make no payments to the parent 38255
of a child while any administrative or judicial mediation or 38256
proceedings with respect to the content of the child's 38257
individualized education program are pending. 38258

(D) A scholarship shall not be paid to a parent for payment 38259
of tuition owed to a nonpublic entity unless that entity is a 38260
registered private provider. The Department shall approve entities 38261
that meet the standards established by rule of the State Board for 38262
the program established under this section. 38263

(E) The State Board shall adopt rules under Chapter 119. of 38264
the Revised Code prescribing procedures necessary to implement 38265
this section, including, but not limited to, procedures and 38266
deadlines for parents to apply for scholarships, standards for 38267
registered private providers, and procedures for approval of 38268
entities as registered private providers. The Board shall adopt 38269

the rules so that the program established under this section is 38270
operational by January 1, 2004. 38271

Sec. 206.16. FUN STATE BOARD OF EMBALMERS AND FUNERAL 38272
DIRECTORS 38273
General Services Fund Group 38274
4K9 881-609 Operating Expenses \$ 598,933 \$ 0 598,706 38275
TOTAL GSF General Services 38276
Fund Group \$ 598,933 \$ 0 598,706 38277
TOTAL ALL BUDGET FUND GROUPS \$ 598,933 \$ 0 598,706 38278

Sec. 206.48. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 38280
General Revenue Fund 38281
GRF 148-100 Personal Services \$ 145,880 \$ 145,880 38282
GRF 148-200 Maintenance \$ 35,901 \$ 35,901 38283
TOTAL GRF General Revenue Fund \$ 181,781 \$ 181,781 38284
General Services Fund Group 38285
601 148-602 Gifts and \$ 20,000 \$ 20,000 38286
Miscellaneous
TOTAL GSF General Services 38287
Fund Group \$ 20,000 \$ 20,000 38288
TOTAL ALL BUDGET FUND GROUPS \$ 201,781 \$ 201,781 38289

GRF TRANSFER TO FUND 601, GIFTS AND MISCELLANEOUS 38290

Prior to June 30, 2006, the Director of Budget and Management 38291
may transfer \$5,850 in cash from the General Revenue Fund to Fund 38292
601, Gifts and Miscellaneous Fund. 38293

Sec. 206.66. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 38294
General Revenue Fund 38295
GRF 600-321 Support Services 38296
State \$ 63,797,907 \$ 60,565,397 38297

	Federal	\$	8,114,493	\$	8,454,541	38298
	Support Services Total	\$	71,912,400	\$	69,019,938	38299
GRF 600-410	TANF State	\$	272,619,061	\$	272,619,061	38300
GRF 600-413	Child Care	\$	84,120,596	\$	84,120,596	38301
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					38302
	State	\$	114,516,710	\$	117,226,021	38303
	Federal	\$	37,579,198	\$	34,255,465	38304
	Computer Projects Total	\$	152,095,908	\$	151,481,486	38305
GRF 600-420	Child Support Administration	\$	5,091,446	\$	5,091,446	38306
GRF 600-421	Office of Family Stability	\$	4,864,932	\$	4,864,932	38307
GRF 600-423	Office of Children and Families	\$	5,408,020	\$	5,431,690	38308
GRF 600-425	Office of Ohio Health Plans					38309
	State	\$	24,803,631	\$	24,054,873	38310
	Federal	\$	26,539,544	\$	25,810,409	38311
	Office of Ohio Health Plans Total	\$	51,343,175	\$	49,865,282	38312
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	38313
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371	38314
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	38315
GRF 600-513	Disability Medical Assistance	\$	19,500,000 23,833,050	\$	25,500,000 31,166,950	38316
GRF 600-521	Entitlement Administration - Local	\$	151,206,401	\$	151,206,401	38317
GRF 600-523	Children and Families	\$	69,438,543	\$	69,438,543	38318

Subsidy			
GRF 600-525	Health Care/Medicaid		38319
	State	\$3,751,848,959 \$ 3,795,940,675	38320
		<u>\$3,741,848,959</u> <u>3,786,796,152</u>	
	Federal	\$5,612,109,788 \$ 5,731,692,576	38321
		<u>\$5,597,010,257</u> <u>5,718,168,475</u>	
	Health Care Total	\$9,363,958,747 \$ 9,527,633,251	38322
		<u>\$9,338,859,216</u> <u>9,504,964,627</u>	
GRF 600-526	Medicare Part D	\$ 155,349,266 \$ 339,578,325	38323
GRF 600-528	Adoption Services		38324
	State	\$ 33,698,298 \$ 35,516,130	38325
	Federal	\$ 40,331,807 \$ 43,022,485	38326
	Adoption Services	\$ 74,030,105 \$ 78,538,615	38327
	Total		
<u>GRF 600-529</u>	<u>Capital Compensation</u>	<u>\$ \$10,000,000</u> \$ 0	38328
	<u>Program</u>		
TOTAL GRF	General Revenue Fund		38329
	State	\$4,777,417,244 \$ 5,006,307,564	38330
		<u>4,801,250,294</u> <u>5,028,329,991</u>	
	Federal	\$5,744,174,880 \$ 5,868,735,476	38331
		<u>5,709,575,299</u> <u>5,829,711,375</u>	
	GRF Total	\$10,521,592,074 \$10,875,043,040	38332
		<u>10,510,825,593</u> <u>10,858,041,366</u>	
General Services Fund Group 38333			
4A8 600-658	Child Support	\$ 26,680,794 \$ 26,680,794	38334
	Collections		
4R4 600-665	BCII Services/Fees	\$ 36,974 \$ 36,974	38335
5C9 600-671	Medicaid Program	\$ 73,015,021 \$ 63,947,536	38336
	Support		
5N1 600-677	County Technologies	\$ 1,000,000 \$ 1,000,000	38337
613 600-645	Training Activities	\$ 135,000 \$ 135,000	38338
TOTAL GSF	General Services		38339
Fund Group		\$ 100,867,789 \$ 91,800,304	38340

Federal Special Revenue Fund Group				38341
3AW 600-675 Faith Based Initiatives	\$	750,000	\$ 750,000	38342
3A2 600-641 Emergency Food Distribution	\$	2,600,000	\$ 2,800,000	38343
3BB 600-635 Children's Hospitals - Federal	\$	9,000,000	\$ 9,000,000	38344
3F0 600-648 Children's Trust Fund Federal	\$	2,040,524	\$ 2,040,524	38345
3F0 600-623 Health Care Federal	\$	616,011,784	\$ 771,889,193 <u>1,119,728,886</u>	38346
3F0 600-650 Hospital Care Assurance Match	\$	343,239,047	\$ 343,239,047	38347
3G5 600-655 Interagency Reimbursement	\$	1,364,802,369	\$ 1,426,954,440	38348
3H7 600-617 Child Care Federal	\$	208,000,000	\$ 208,000,000	38349
3N0 600-628 IV-E Foster Care Maintenance	\$	153,963,142	\$ 153,963,142	38350
3S5 600-622 Child Support Projects	\$	534,050	\$ 534,050	38351
3V0 600-688 Workforce Investment Act	\$	208,322,037	\$ 208,097,948	38352
3V4 600-678 Federal Unemployment Programs	\$	153,435,545	\$ 157,202,750	38353
3V4 600-679 Unemployment Compensation Review Commission - Federal	\$	3,829,430	\$ 3,800,573	38354
3V6 600-689 TANF Block Grant	\$	767,104,142	\$ 792,483,200	38355
3W3 600-659 TANF/Title XX Transfer	\$	8,000,000	\$ 5,400,000	38356
327 600-606 Child Welfare	\$	33,160,190	\$ 33,090,786	38357
331 600-686 Federal Operating	\$	43,966,134	\$ 44,929,546	38358
384 600-610 Food Stamps and State Administration	\$	188,238,706	\$ 181,250,799	38359
385 600-614 Refugee Services	\$	6,083,829	\$ 6,542,439	38360

395	600-616	Special Activities/Child and Family Services	\$	4,567,112	\$	4,564,877	38361
396	600-620	Social Services Block Grant	\$	120,993,012	\$	121,004,222	38362
397	600-626	Child Support	\$	287,468,576	\$	287,468,576	38363
398	600-627	Adoption Maintenance/ Administration	\$	314,639,519	\$	314,639,519	38364
TOTAL FED Federal Special Revenue							38365
Fund Group			\$	4,840,749,148	\$	5,079,645,631 <u>5,427,485,324</u>	38366
State Special Revenue Fund Group							38367
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	38368
4A9	600-607	Unemployment Compensation Administration Fund	\$	10,811,527	\$	10,811,527	38369
4A9	600-694	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473	38370
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	38371
4E7	600-604	Child and Family Services Collections	\$	1,237,500	\$	300,000	38372
4F1	600-609	Foundation Grants/Child and Family Services	\$	61,420	\$	61,420	38373
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	38374
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	38375
4K1	600-621	ICF/MR Bed Assessments	\$	20,074,255	\$	20,064,131	38376
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	38377
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	38378

5AA	600-673	Ohio's Best Rx Administration	\$	5,000,000	\$	5,000,000	38379
5AX	600-697	Public Assistance Reconciliation	\$	60,000,000	\$	0	38380
5BE	600-693	Child Support Operating	\$	5,000,000	\$	5,000,000	38381
5BG	600-653	Managed Care Assessment	\$	18,795,483	\$	99,410,121	38382
5CR	600-636	Children's Hospitals - State	\$	6,000,000	\$	6,000,000	38383
<u>5DB</u>	<u>600-637</u>	<u>Military Injury Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	38384
<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>	38385
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	38386
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	38387
5P5	600-692	Health Care Services <u>Prescription Drug Rebate - State</u>	\$	828,587,776	\$	538,301,761 <u>179,307,452</u>	38388
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	38389
5R2	600-608	Medicaid-Nursing Facilities	\$	160,192,055	\$	176,632,090	38390
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	38391
5U3	600-654	Health Care Services Administration	\$	10,115,870	\$	15,474,709	38392
5U6	600-663	Children and Family Support	\$	4,929,717	\$	4,929,717	38393
5Z9	600-672	TANF Quality Control Reinvestments	\$	647,409	\$	688,421	38394
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	38395

TOTAL SSR State Special Revenue				38396
Fund Group	\$ 1,498,194,267	\$ 1,249,415,152		38397
		<u>949,348,201</u>		
Agency Fund Group				38398
192 600-646 Support Intercept - Federal	\$ 110,000,000	\$ 110,000,000		38399
5B6 600-601 Food Stamp Intercept	\$ 2,000,000	\$ 2,000,000		38400
583 600-642 Support Intercept - State	\$ 16,000,000	\$ 16,000,000		38401
TOTAL AGY Agency Fund Group	\$ 128,000,000	\$ 128,000,000		38402
Holding Account Redistribution Fund Group				38403
R12 600-643 Refunds and Audit Settlements	\$ 3,600,000	\$ 3,600,000		38404
R13 600-644 Forgery Collections	\$ 10,000	\$ 10,000		38405
TOTAL 090 Holding Account Redistribution Fund Group	\$ 3,610,000	\$ 3,610,000		38406
TOTAL ALL BUDGET FUND GROUPS	\$17,093,013,278	\$17,427,514,127		38407
	<u>17,082,246,797</u>	<u>17,458,285,195</u>		
<u>MEDICAID REVENUE AND COLLECTIONS - STATE</u>				38408
<u>The foregoing appropriation item 600-639, Medicaid Revenue</u>				38409
<u>and Collections, shall be used by the Department of Job and Family</u>				38410
<u>Services to pay for Medicaid services and contracts.</u>				38411
Sec. 206.66.22. FISCAL YEAR 2006 MEDICAID REIMBURSEMENT				38412
SYSTEM FOR NURSING FACILITIES				38413
(A) As used in this section:				38414
"2003 cost report" means a complete and adequate Medicaid				38415
cost report covering calendar year 2003 filed with the Department				38416
of Job and Family Services under section 5111.26 of the Revised				38417
Code.				38418
"Change of operator," "entering operator," and "exiting				38419

operator" have the same meanings as in section 5111.65 of the Revised Code. 38420
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"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code. 38422
38423

"Nursing facility" and "provider" have the same ~~meaning~~ meanings as in section 5111.20 of the Revised Code. 38424
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"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. 38426
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"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code. 38430
38431

(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: 38432
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(1) The rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2005; 38438
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(2) Unless the nursing facility is exempt from paying the franchise permit fee, one dollar and ninety-five cents. 38440
38441

(C) If a nursing facility undergoes a change of operator on July 1, 2005, the entering operator shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the rate paid to the exiting operator for nursing facility services that the nursing facility provided on June 30, 2005, plus, if the entering operator pays the franchise permit fee, one dollar and ninety-five cents. If a nursing facility undergoes a change of operator during the period beginning July 2, 2005, and 38442
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ending June 30, 2006, the entering operator shall be paid, for 38450
nursing facility services the nursing facility provides during the 38451
period beginning on the effective date of the change of operator 38452
and ending June 30, 2006, the rate paid to the exiting operator 38453
for nursing facility services that the nursing facility provided 38454
on the day immediately before the effective date of the change of 38455
operator. 38456

(D) If, during fiscal year 2006, a nursing facility obtains 38457
certification as a nursing facility from the Director of Health 38458
and begins participation in the Medicaid program, the provider of 38459
the nursing facility shall be paid, for nursing facility services 38460
the nursing facility provides during the period beginning on the 38461
date the nursing facility begins participation in the Medicaid 38462
program and ending June 30, 2006, a rate that is the median of all 38463
rates paid to providers of nursing facilities on July 1, 2005. 38464

(E) If, during fiscal year ~~2007~~ 2006, one or more Medicaid 38465
certified beds are added to a nursing facility with a valid 38466
Medicaid provider agreement for fiscal year 2006, the provider of 38467
the nursing facility shall be paid a rate for the new beds that is 38468
the same as the nursing facility's rate for the Medicaid certified 38469
beds that are in the nursing facility on the day before the new 38470
beds are added. 38471

(F) If the United States Centers for Medicare and Medicaid 38472
Services requires that the franchise permit fee be reduced or 38473
eliminated, the Department of Job and Family Services shall reduce 38474
the amount it pays providers of nursing facilities under this 38475
section as necessary to reflect the loss to the state of the 38476
revenue and federal financial participation generated from the 38477
franchise permit fee. 38478

(G)~~(1)~~ A nursing facility's rate established under this 38479
section shall not be subject to any adjustments except ~~as follows:~~ 38480

~~(a) An for an adjustment resulting from an audit of the nursing facility's 2003 cost report may be applied to a rate established under this section for the nursing facility not later than three years after the first day of the fiscal year for which the rate is established.~~

~~(b) the nursing facility's rate established under this section may be adjusted pursuant to a process established in rules adopted under section 5111.02 of the Revised Code to reflect a change in the nursing facility's capital costs due to any of the following:~~

~~(i) A change of provider agreement that goes into effect before July 1, 2005, and for which a rate adjustment is not implemented before June 30, 2005;~~

~~(ii) A reviewable activity for which a certificate of need application is filed with the Director of Health before July 1, 2005, costs are incurred before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005;~~

~~(iii) An activity that the Director of Health, before July 1, 2005, rules is not a reviewable activity and for which costs are incurred before June 30, 2005, and a rate adjustment is not implemented before June 30, 2005.~~

(H) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility under the Medicaid program for nursing facility services provided during fiscal year 2006 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Sec. 206.66.23. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code. 38511
38512

"Nursing facility" and "provider" have the same meanings as in section 5111.20 of the Revised Code. 38513
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"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. 38515
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(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 as follows: 38519
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(1) Determine the rate for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code; 38525
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(2) Increase the rate determined under division (B)(1) of this section by two per cent; 38527
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(3) Increase the rate determined under division (B)(2) of this section by two per cent. 38529
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(C) If the rate determined for a nursing facility under ~~sections 5111.20 to 5111.33 of the Revised Code~~ division (B) of this section for nursing facility services provided during fiscal year 2007 is more than one hundred two per cent of the rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2006, the Department of Job and Family Services shall reduce the nursing facility's fiscal year 2007 rate so that the rate is no more than one hundred two per cent of the nursing facility's rate for June 30, 2006. If the rate determined for a nursing facility under sections 5111.20 to 38531
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5111.33 of the Revised Code for nursing facility services provided 38541
during fiscal year 2007 is less than ninety-eight per cent of the 38542
rate the provider was paid for nursing facility services the 38543
nursing facility provides on June 30, 2006, the Department shall 38544
increase the nursing facility's fiscal year 2007 rate so that the 38545
rate is no less than ninety-eight per cent of the nursing 38546
facility's rate for June 30, 2006. 38547

(D) If the United States Centers for Medicare and Medicaid 38548
Services requires that the franchise permit fee be reduced or 38549
eliminated, the Department of Job and Family Services shall reduce 38550
the amount it pays providers of nursing facilities under this 38551
section as necessary to reflect the loss to the state of the 38552
revenue and federal financial participation generated from the 38553
franchise permit fee. 38554

(E) The Department of Job and Family Services shall follow 38555
this section in determining the rate to be paid to the provider of 38556
a nursing facility that has a valid Medicaid provider agreement on 38557
June 30, 2006, and a valid Medicaid provider agreement for fiscal 38558
year 2007 notwithstanding anything to the contrary in sections 38559
5111.20 to 5111.33 of the Revised Code. 38560

Sec. 206.66.36. ASSISTED LIVING MEDICAID WAIVER PROGRAM 38561

(A) As used in this section, "Assisted Living Program" has 38562
the same meaning as in section 5111.89 of the Revised Code. 38563

(B) After the Department of Job and Family Services enters 38564
into a contract with the Department of Aging under section 5111.91 38565
of the Revised Code for the Department of Aging to administer the 38566
Assisted Living Program, the Director of Job and Family Services 38567
shall quarterly certify to the Director of Budget and Management 38568
the estimated costs of amounts to be transferred from the state 38569
and federal shares for the Assisted Living Program for the 38570
upcoming quarter. ~~The estimate shall include the state and federal~~ 38571

~~share of the costs.~~ On receipt of the ~~certified estimated costs~~ 38572
certification for an upcoming quarter, the Director of Budget and 38573
Management shall do ~~all~~ both of the following: 38574

(1) Transfer the state share of the certified amount ~~of the~~ 38575
~~estimated costs~~ from GRF appropriation item 600-525, Health 38576
Care/Medicaid, to GRF appropriation item 490-422, Assisted Living, 38577
and reduce appropriation item 600-525, Health Care/Medicaid, by 38578
the corresponding federal share; 38579

~~(2) Transfer the federal share of the amount of the estimated~~ 38580
~~costs from GRF appropriation item 600-525, Health Care/Medicaid,~~ 38581
~~to Fund 3C4, appropriation item 490-622, Assisted Living—~~ 38582
~~Federal;~~ 38583

~~(3) Increase the appropriation in JFS Fund 3G5, appropriation~~ 38584
~~item 600-655, Interagency Reimbursement, by the federal share of~~ 38585
~~the certified amount of the estimated costs.~~ 38586

~~(C) The funds that the Director of Budget and Management~~ 38587
~~transfers and increases under this section are hereby~~ 38588
~~appropriated.~~ 38589

Sec. 206.66.64. INDIVIDUALS MOVED FROM NURSING FACILITIES TO 38590
PASSPORT 38591

(A) As used in this section: 38592

(1) "Area agency on aging" has the same meaning as in section 38593
173.14 of the Revised Code. 38594

(2) "Long-Term Care Consultation Program" means the program 38595
the Department of Aging is required to develop under section 38596
173.42 of the Revised Code. 38597

(3) "Long-Term Care Consultation Program administrator" or 38598
"administrator" means the Department of Aging or, if the 38599
Department contracts with an area agency on aging or other entity 38600
to administer the Long-Term Care Consultation Program for a 38601

particular area, that agency or entity. 38602

(4) "Nursing facility" has the same meaning as in section 38603
5111.20 of the Revised Code. 38604

(5) "PASSPORT program" means the program created under 38605
section 173.40 of the Revised Code. 38606

(B) Each month during fiscal years 2006 and 2007, each area 38607
agency on aging shall determine whether individuals who reside in 38608
the area that the area agency on aging serves and are on a waiting 38609
list for the PASSPORT program have been admitted to a nursing 38610
facility. If an area agency on aging determines that such an 38611
individual has been admitted to a nursing facility, the agency 38612
shall notify the Long-Term Care Consultation Program administrator 38613
serving the area in which the individual resides about the 38614
determination. The administrator shall determine whether the 38615
PASSPORT program is appropriate for the individual and whether the 38616
individual would rather participate in the PASSPORT program than 38617
continue residing in the nursing facility. If the administrator 38618
determines that the PASSPORT program is appropriate for the 38619
individual and the individual would rather participate in the 38620
PASSPORT program than continue residing in the nursing facility, 38621
the administrator shall so notify the Department of Aging. On 38622
receipt of the notice from the administrator, the Department of 38623
Aging shall approve the enrollment of the individual in the 38624
PASSPORT program regardless of whether other individuals who are 38625
not in a nursing facility are ahead of the individual on the 38626
PASSPORT program's waiting list. Each quarter, the Department of 38627
Aging shall certify to the Director of Budget and Management the 38628
~~estimated increase in costs of the PASSPORT program~~ total 38629
expenditures made for the individuals enrolled in the PASSPORT 38630
program pursuant to this section. 38631

(C) On a quarterly basis, on receipt of the certified ~~costs~~ 38632

expenditures, the Director of Budget and Management shall do all 38633
of the following: 38634

(1) Transfer the state share of the amount of the ~~estimated~~ 38635
~~costs~~ actual expenditures from GRF appropriation item 600-525, 38636
Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT, 38637
~~for the remainder of the biennium;~~ 38638

(2) Increase the appropriation in Ohio Department of Aging 38639
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 38640
share of the amount of the ~~estimated costs~~ actual expenditures; 38641

(3) Increase the appropriation in JFS Fund 3G5, appropriation 38642
item 600-655, Interagency Reimbursement, by the federal share of 38643
the amount of the ~~estimated costs~~ actual expenditures. 38644

The funds that the Director of Budget and Management 38645
transfers and increases under this division are hereby 38646
appropriated. 38647

(D) The individuals placed in the PASSPORT program pursuant 38648
to this section shall be in addition to the individuals placed in 38649
the PASSPORT program during fiscal years 2006 and 2007 based on 38650
the amount of money that is in GRF appropriation item 490-403, 38651
PASSPORT; Fund 4J4, appropriation item 490-610, 38652
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 38653
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 38654
490-607, PASSPORT, before any transfers to GRF appropriation item 38655
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 38656
PASSPORT, are made under this section. 38657

(E) The Director of Job and Family Services shall do both of 38658
the following: 38659

(1) Submit to the United States Secretary of Health and Human 38660
Services an amendment to the Medicaid waiver authorizing the 38661
PASSPORT program as necessary for the implementation of this 38662
section; 38663

(2) By not later than December 31, 2006, submit to the 38664
General Assembly a report regarding the number of individuals 38665
placed in the PASSPORT program pursuant to this section and the 38666
costs incurred and savings achieved as a result of the individuals 38667
being placed in the PASSPORT program. 38668

Sec. 206.66.66. OHIO ACCESS SUCCESS PROJECT 38669

Notwithstanding any limitations in sections 3721.51 and 38670
3721.56 of the Revised Code, in each fiscal year, cash from Fund 38671
4J5, Home and Community-Based Services for the Aged, in excess of 38672
the amounts needed for the transfers may be used by the Department 38673
of Job and Family Services for the following purposes: (A) up to 38674
\$1.0 million in each fiscal year to fund the state share of audits 38675
of ~~Medicaid cost reports filed with the Department of Job and~~ 38676
~~Family Services by~~ nursing facilities and intermediate care 38677
facilities for the mentally retarded; and (B) up to \$350,000 in 38678
fiscal year 2006 and up to \$350,000 in fiscal year 2007 to provide 38679
one-time transitional benefits under the Ohio Access Success 38680
Project that the Director of Job and Family Services may establish 38681
under section 5111.88 of the Revised Code. 38682

Sec. 206.66.84. CHILDREN'S TRUST FUND 38683

Notwithstanding sections 3109.13 to 3109.18 of the Revised 38684
Code, in fiscal ~~year~~ years 2006 and 2007, the Director of Budget 38685
and Management shall transfer \$1,500,000 cash from the Children's 38686
Trust Fund (Fund 198 in the Department of Job and Family Services) 38687
to the Partnerships for Success Fund (Fund 5BH in the Department 38688
of Youth Services). On or before January 1, ~~2007~~ 2008, the 38689
Director of Budget and Management shall transfer to the Children's 38690
Trust Fund (Fund 198) any amount of cash that remains unspent in 38691
the Partnerships for Success Fund (Fund 5BH). 38692

Sec. 206.66.85. HOSPITAL CARE ASSURANCE MATCH FUND 38693

Appropriation item 600-650, Hospital Care Assurance Match, 38694
shall be used by the Department of Job and Family Services ~~in~~ 38695
~~accordance with division (B) of~~ solely for distributing funds to 38696
hospitals under section ~~5112.18~~ 5112.08 of the Revised Code. 38697

Sec. 206.66.91. The Department of Job and Family Services 38698
shall retain in each fiscal year \$1,500,000 of the federal 38699
incentives that are described in division (A) of section 3125.19 38700
of the Revised Code and authorized by 42 U.S.C. 658a that the 38701
Department of Job and Family Services receives from the United 38702
States Department of Human Services to reimburse the Department of 38703
Job and Family Services for the state share of payments made by 38704
the Department of Job and Family Services for mandatory contracts 38705
utilized by county child support enforcement agencies in the 38706
program of child support enforcement authorized by sections 38707
3125.03 and 3125.11 of the Revised Code. This revenue shall be 38708
deposited in the Child Support Operating Fund (Fund 5BE in the 38709
Department of Job and Family Services). 38710

Sec. 206.67.15. PRESCRIPTION DRUG REBATE FUND 38711

The foregoing appropriation item 600-692, ~~Health Care~~ 38712
~~Services~~ Prescription Drug Rebate - State, shall be used by the 38713
Department of Job and Family Services ~~in accordance with section~~ 38714
~~5111.081 of the Revised Code to pay for Medicaid services and~~ 38715
~~contracts. Moneys recovered by the Department for either hospital~~ 38716
~~settlements or pursuant to the Department's rights of recovery~~ 38717
~~under section 5101.58 of the Revised Code, that are not directed~~ 38718
~~to the Health Care Services Administration Fund (Fund 5U3) under~~ 38719
~~section 5111.94 of the Revised Code, shall also be deposited into~~ 38720
~~Fund 5P5.~~ 38721

On July 1, 2006, or as soon as possible thereafter, the 38722
Director of Job and Family Services shall certify to the Director 38723
of Budget and Management the federal share of the balance of the 38724
Prescription Drug Rebates Fund created under section 5111.942 of 38725
the Revised Code. On receipt of the certification, the Director of 38726
Budget and Management shall transfer the federal share to the 38727
Health Care - Federal Fund created under section 5111.943 of the 38728
Revised Code. 38729

Sec. 206.67.21. TRANSFER OF TOBACCO MASTER SETTLEMENT 38730
AGREEMENT FUNDS TO SUPPORT THE AGED, BLIND, AND DISABLED MANAGED 38731
CARE PROGRAM 38732

(A) Not later than June 30, 2006, the Director of Job and 38733
Family Services, in conjunction with the Office of Budget and 38734
Management, shall determine the amount necessary to implement the 38735
Aged, Blind, and Disabled Managed Care Program established under 38736
section 5111.16 of the Revised Code. 38737

(B) Notwithstanding section 183.02 of the Revised Code, on 38738
July 1, 2006, or as soon as possible thereafter, the Director of 38739
Budget and Management shall transfer cash equal to the state share 38740
of the amount determined pursuant to division (A) of this section 38741
from the Tobacco Master Settlement Agreement Fund (Fund 087) to 38742
the ABD Managed Care Program - State Fund (Fund 5BZ in the 38743
Department of Job and Family Services), which is hereby created. 38744
Of the tobacco revenue that is credited to the Tobacco Master 38745
Settlement Agreement Fund (Fund 087) in fiscal year 2006, the 38746
share that is determined pursuant to section 183.02 of the Revised 38747
Code to be the amount transferred by the Director of Budget and 38748
Management from the Tobacco Master Settlement Agreement Fund (Fund 38749
087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund 38750
H87) shall be reduced by the amount that is transferred from the 38751
Tobacco Master Settlement Agreement Fund (Fund 087) to the ABD 38752

Managed Care Program - State Fund (Fund 5BZ) in accordance with 38753
 this section. The amount transferred under this division is hereby 38754
 appropriated to appropriation item 600-698, ABD Managed Care 38755
 Program - State. 38756

(C) The Department of Job and Family Services shall deposit 38757
 federal reimbursement received for the Aged, Blind, and Disabled 38758
 Managed Care Program into the ~~ABD Managed Care Program~~ Hospital 38759
Care Assurance Match Fund - Federal Fund (Fund ~~3AZ 3F0~~), ~~which is~~ 38760
~~hereby created~~. Amounts deposited into Fund ~~3AZ 3F0~~ pursuant to 38761
this section are hereby appropriated to appropriation item 38762
 600-699, ABD Managed Care Program - Federal. 38763

Sec. 206.99. MHC MANUFACTURED HOMES COMMISSION 38764

General Services Fund Group 38765
 4K9 996-609 Operating Expenses \$ 272,500 \$ 0 254,500 38766
 TOTAL GSF General Services 38767
 Fund Group \$ 272,500 \$ 0 254,500 38768
 TOTAL ALL BUDGET FUND GROUPS \$ 272,500 \$ 0 254,500 38769

Sec. 209.04. AMB MEDICAL TRANSPORTATION BOARD 38771

General Services Fund Group 38772
 4N1 915-601 Operating Expenses \$ 388,450 \$ 0 388,450 38773
 TOTAL GSF General Services 38774
 Fund Group \$ 388,450 \$ 0 388,450 38775
 TOTAL ALL BUDGET FUND GROUPS \$ 388,450 \$ 0 388,450 38776

Sec. 209.06.06. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT 38778
SERVICES 38779

General Revenue Fund 38780
 GRF 335-404 Behavioral Health \$ 5,865,265 \$ 6,865,265 38781
 Services-Children
 GRF 335-405 Family & Children \$ 2,260,000 \$ 2,260,000 38782

	First				
GRF 335-419	Community Medication	\$	12,292,848	\$	13,626,748
	Subsidy		<u>7,959,798</u>		<u>7,959,798</u>
GRF 335-505	Local Mental Health	\$	94,687,868	\$	99,687,868
	Systems of Care				
TOTAL GRF	General Revenue Fund	\$	115,105,981	\$	122,439,881
			<u>110,772,931</u>		<u>116,772,931</u>
	General Services Fund Group				38786
4P9 335-604	Community Mental	\$	250,000	\$	250,000
	Health Projects				
TOTAL GSF	General Services				38788
Fund Group		\$	250,000	\$	250,000
	Federal Special Revenue Fund Group				38790
3A6 335-608	Federal Miscellaneous	\$	1,089,699	\$	678,699
3A7 335-612	Social Services Block	\$	8,657,288	\$	8,657,288
	Grant				
3A8 335-613	Federal Grant -	\$	2,407,040	\$	2,407,040
	Community Mental				
	Health Board Subsidy				
3A9 335-614	Mental Health Block	\$	14,969,400	\$	14,969,400
	Grant				
3B1 335-635	Community Medicaid	\$	264,088,404	\$	282,807,902
	Expansion				
TOTAL FED	Federal Special Revenue	\$	291,211,831	\$	309,520,329
Fund Group					
	State Special Revenue Fund Group				38797
5AU 335-615	Behavioral Healthcare	\$	4,690,000	\$	4,690,000
5CH 335-622	Residential State	\$	1,500,000	\$	1,500,000
	Supplement				
632 335-616	Community Capital	\$	350,000	\$	350,000
	Replacement				
TOTAL SSR	State Special Revenue	\$	6,540,000	\$	6,540,000

Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$	413,107,812	\$ 438,750,210 38802
		<u>408,774,762</u>	<u>433,083,260</u>
DEPARTMENT TOTAL			38803
GENERAL REVENUE FUND	\$	561,012,510	\$ 578,783,810 38804
		<u>556,679,460</u>	<u>573,116,860</u>
DEPARTMENT TOTAL			38805
GENERAL SERVICES FUND GROUP	\$	115,901,936	\$ 120,196,482 38806
DEPARTMENT TOTAL			38807
FEDERAL SPECIAL REVENUE			38808
FUND GROUP	\$	311,131,959	\$ 329,461,338 38809
DEPARTMENT TOTAL			38810
STATE SPECIAL REVENUE FUND GROUP	\$	12,266,164	\$ 12,266,164 38811
DEPARTMENT TOTAL			38812
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,000,312,569	\$ 1,040,707,794 38813
		<u>995,979,519</u>	<u>1,035,040,844</u>

Sec. 209.06.09. COMMUNITY MEDICATION SUBSIDY 38815

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. 38816
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~~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.~~ 38821
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LOCAL MENTAL HEALTH SYSTEMS OF CARE 38826

The foregoing appropriation item 335-505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community 38827
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mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health. 38830
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Of the foregoing appropriation, not less than \$34,818,917 in fiscal year 2006 and not less than \$34,818,917 in fiscal year 2007 shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 38832
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Of the foregoing appropriation, \$100,000 in each fiscal year shall be used to fund family and consumer education and support. 38836
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BEHAVIORAL HEALTH - CHILDREN 38838

The foregoing appropriation item 335-404, Behavioral Health Services-Children, shall be used to provide behavioral health services for children and their families. Behavioral health services include mental health and alcohol and other drug treatment services and other necessary supports. 38839
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Of the foregoing appropriation item 335-404, Behavioral Health Services-Children, an amount up to \$4.5 million in fiscal year 2006 and \$5.5 million in fiscal year 2007 shall be distributed to local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards, based upon a formula and an approved children's behavioral health transformation plan developed and endorsed by the local Family and Children First Council with the leadership from the Alcohol, Drug Addiction, and Mental Health Board, or the Community Mental Health Board, and the Alcohol and Drug Addiction Services Board. The use of these funds shall be approved by a team of state and local stakeholders appointed by the Ohio Family and Children First Cabinet Council. This team shall be appointed not later than July 1, 2005, and shall include, but not be limited to, all of the following: 38844
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(A) At least one representative from each of the Departments of Alcohol and Drug Addiction Services, Mental Health, Education, 38859
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Health, Job and Family Services, Mental Retardation and	38861
Developmental Disabilities, and the Department of Youth Services;	38862
(B) At least one person representing local public children's	38863
services agencies;	38864
(C) At least one person representing juvenile courts;	38865
(D) At least one person representing local Alcohol, Drug	38866
Addiction, and Mental Health Boards; Community Mental Health	38867
Boards; and Alcohol and Drug Addiction Boards;	38868
(E) At least one person representing local Family and	38869
Children First Council Coordinators;	38870
(F) At least one family representative.	38871
Children's behavioral health transformation plans shall be	38872
congruent with the development and implementation of the process	38873
described in division (B)(2)(b) of section 121.37 of the Revised	38874
Code and shall address all of the following as determined by a	38875
team of state and local stakeholders appointed by the Ohio Family	38876
and Children First Cabinet Council:	38877
(A) Specific strategies and actions for use of all funds	38878
allocated for the Access to Better Care Initiative by all Ohio	38879
Family and Children First Cabinet Council agencies that will	38880
further the transformation of the local Children's Behavioral	38881
Health Care System;	38882
(B) Providing services to children with behavioral health	38883
disorders, particularly those with intensive needs, and their	38884
families, across all child-serving systems, including child	38885
welfare and juvenile justice and for those youth whose parents	38886
would otherwise have to relinquish custody to obtain needed	38887
behavioral health services;	38888
(C) Assuring that families are included in all service	38889
planning activities and have access to advocates to assist them if	38890

they choose; 38891

(D) Implementation of home-based services and other 38892
alternatives to out-of-home placement; 38893

(E) Assuring that all individual service plans for children 38894
and their families address the academic achievement of the child; 38895

(F) Coordinating the most efficient and effective use of 38896
federal, state, and local funds to meet the needs of children and 38897
their families. 38898

Funds may be used to support the following services and 38899
activities: 38900

(A) Mental health services provided by the Ohio Department of 38901
Mental Health certified agencies and alcohol and other drug 38902
services provided by Department of Alcohol and Drug Addiction 38903
Services certified agencies; 38904

(B) Services and supports for children and their families 38905
that further the implementation of their individual service plans; 38906

(C) Treatment services in out-of-home settings, including 38907
residential facilities, when other alternatives are not available 38908
or feasible; 38909

(D) Administrative support for efforts associated with this 38910
initiative; 38911

(E) These funds shall not be used to supplant existing 38912
efforts. 38913

The Ohio Family and Children First Cabinet Council appointed 38914
team shall approve the plans for local behavioral health services 38915
and ensure the plans are components of and properly coordinated 38916
with the county service coordination plan as defined in section 38917
121.37 of the Revised Code. In addition to approving the plans for 38918
new behavioral health funding, this team shall design a mechanism 38919
to provide technical assistance to local communities, monitor the 38920

plans, and may, as part of the monitoring role, conduct site visits. 38921
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Of the foregoing appropriation item 335-404, Behavioral Health Services-Children, an amount up to \$1.0 million in fiscal year 2006 and \$1.0 million in fiscal year 2007 shall be used to support projects, as determined by the Ohio Family and Children First Cabinet Council, in select areas around the state to focus on improving behavioral health services for children involved in the child welfare and juvenile justice systems. At least one of these projects shall focus on services for adolescent girls that are involved in or at risk of involvement with the juvenile justice system. 38923
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Of the foregoing appropriation item 335-405, Family & Children First, an amount up to \$500,000 in fiscal year 2006 and \$500,000 in fiscal year 2007 shall be used for children who do not have behavioral health disorders but require assistance through the County Family and Children First Council. 38933
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RESIDENTIAL STATE SUPPLEMENT 38938

The foregoing appropriation item 335-622, Residential State Supplement, shall be used to provide subsidized support for licensed adult care facilities which serve individuals with mental illness. 38939
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Sec. 209.09.06. COMMUNITY SERVICES 38943

General Revenue Fund 38944

GRF 322-405 State Use Program \$ 20,000 \$ 0 38945

GRF 322-413 Residential and Support Services \$ 7,423,021 \$ 7,423,021 38946

Support Services

GRF 322-416 Waiver State Match \$ 103,090,738 \$ 104,397,504 38947

GRF 322-417 Supported Living \$ 43,160,198 \$ 43,160,198 38948

GRF 322-451 Family Support \$ 6,938,898 \$ 6,938,898 38949

		Services				
GRF	322-452	Service and Support	\$	8,672,730	\$	8,672,730 38950
		Administration				
GRF	322-501	County Boards	\$	32,193,542	\$	32,193,542 38951
		Subsidies				
GRF	322-503	Tax Equity	\$	14,500,000	\$	14,500,000 38952
TOTAL GRF		General Revenue Fund	\$	215,999,127	\$	217,285,893 38953
		General Services Fund Group				38954
4J6	322-645	Intersystem Services	\$	300,000	\$	0 38955
		for Children				
4U4	322-606	Community MR and DD	\$	300,000	\$	50,000 38956
		Trust				
4V1	322-611	Family and Children	\$	40,000	\$	0 38957
		First				
488	322-603	Provider Audit Refunds	\$	350,000	\$	350,000 38958
TOTAL GSF		General Services				38959
Fund Group			\$	990,000	\$	400,000 38960
		Federal Special Revenue Fund Group				38961
3A4	322-605	Community Program	\$	1,500,000	\$	1,500,000 38962
		Support				
3A5	322-613	DD Council Grants	\$	3,204,240	\$	3,204,240 38963
3G6	322-639	Medicaid Waiver	\$	373,772,814	\$	373,772,814 38964
3M7	322-650	CAFS Medicaid	\$	125,924,299	\$	103,773,730 38965
325	322-608	Grants for Infants and	\$	1,763,165	\$	1,763,165 38966
		Families with				
		Disabilities				
325	322-612	Community Social	\$	11,500,000	\$	11,500,000 38967
		Service Programs				
TOTAL FED		Federal Special Revenue				38968
Fund Group			\$	517,664,518	\$	495,513,949 38969
		State Special Revenue Fund Group				38970
4K8	322-604	Waiver - Match	\$	12,000,000	\$	12,000,000 38971

5DJ	322-625	Targeted Case	\$	9,340,000	\$	20,280,000	38972
		Management Match					
5DJ	322-626	Targeted Case	\$	23,350,000	\$	50,070,000	38973
		Management Services					
5H0	322-619	Medicaid Repayment	\$	25,000	\$	25,000	38974
5Z1	322-624	County Board Waiver	\$	82,000,000	\$	82,000,000	38975
		Match					
TOTAL SSR State Special Revenue							38976
Fund Group			\$	94,025,000	\$	94,025,000	38977
				126,715,000		164,375,000	
TOTAL ALL COMMUNITY SERVICES							38978
BUDGET FUND GROUPS			\$	828,678,645	\$	807,224,842	38979
				861,368,645		877,574,842	

RESIDENTIAL AND SUPPORT SERVICES 38980

The Department of Mental Retardation and Developmental 38981
Disabilities may designate a portion of appropriation item 38982
322-413, Residential and Support Services, for the following: 38983

(A) Sermak Class Services used to implement the requirements 38984
of the agreement settling the consent decree in *Sermak v. Manuel*, 38985
Case No. c-2-80-220, United States District Court for the Southern 38986
District of Ohio, Eastern Division; 38987

(B) Medicaid-reimbursed programs other than home and 38988
community-based waiver services, in an amount not to exceed 38989
\$1,000,000 in each fiscal year, that enable persons with mental 38990
retardation and developmental disabilities to live in the 38991
community. 38992

WAIVER STATE MATCH 38993

The purposes for which the foregoing appropriation item 38994
322-416, Waiver State Match, shall be used include the following: 38995

(A) Home and community-based waiver services under Title XIX 38996
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 38997

as amended. 38998

(B) Services contracted by county boards of mental 38999
retardation and developmental disabilities. 39000

(C) To pay the nonfederal share of the cost of one or more 39001
new intermediate-care-facility-for-the-mentally-retarded certified 39002
beds in a county where the county board of mental retardation and 39003
developmental disabilities does not initiate or support the 39004
development or certification of such beds, if the Director of 39005
Mental Retardation and Developmental Disabilities is required by 39006
~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to 39007
transfer to the Director of Job and Family Services funds to pay 39008
such nonfederal share. 39009

The Department of Mental Retardation and Developmental 39010
Disabilities may designate a portion of appropriation item 39011
322-416, Waiver State Match, to county boards of mental 39012
retardation and developmental disabilities that have greater need 39013
for various residential and support services because of a low 39014
percentage of residential and support services development in 39015
comparison to the number of individuals with mental retardation or 39016
developmental disabilities in the county. 39017

Of the foregoing appropriation item 322-416, Waiver State 39018
Match, \$9,850,000 in each year of the biennium shall be 39019
distributed by the Department to county boards of mental 39020
retardation and developmental disabilities to support existing 39021
residential facilities waiver and individual options waiver 39022
related to Medicaid activities provided for in the component of a 39023
county board's plan developed under division (A)(2) of section 39024
5126.054 of the Revised Code and approved under section 5123.046 39025
of the Revised Code. Up to \$3,000,000 of these funds in each 39026
fiscal year may be used to implement day-to-day program management 39027
services under division (A)(2) of section 5126.054 of the Revised 39028

Code. Up to \$4,200,000 in each fiscal year may be used to 39029
implement the program and health and welfare requirements of 39030
division (A)(2) of section 5126.054 of the Revised Code. 39031

In fiscal years 2006 and 2007 not less than \$2,650,000 of 39032
these funds shall be used to recruit and retain, under division 39033
(A)(2) of section 5126.054 of the Revised Code, the direct care 39034
staff necessary to implement the services included in an 39035
individualized service plan in a manner that ensures the health 39036
and welfare of the individuals being served. 39037

The method utilized by the department to determine each 39038
residential facilities waiver and individual options provider's 39039
allocation of such funds in fiscal year 2005 shall be used for 39040
allocation purposes to such providers in fiscal years 2006 and 39041
2007, respectively. 39042

SUPPORTED LIVING 39043

The purposes for which the foregoing appropriation item 39044
322-417, Supported Living, shall be used include supported living 39045
services contracted by county boards of mental retardation and 39046
developmental disabilities under sections 5126.40 to 5126.47 of 39047
the Revised Code and paying the nonfederal share of the cost of 39048
one or more new 39049
intermediate-care-facility-for-the-mentally-retarded certified 39050
beds in a county where the county board of mental retardation and 39051
developmental disabilities does not initiate or support the 39052
development or certification of such beds, if the Director of 39053
Mental Retardation and Developmental Disabilities is required by 39054
~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly to 39055
transfer to the Director of Job and Family Services funds to pay 39056
such nonfederal share. 39057

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 39058

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 39059

the Department of Mental Retardation and Developmental 39060
Disabilities may develop residential and support service programs 39061
funded by appropriation item 322-413, Residential and Support 39062
Services; appropriation item 322-416, Waiver State Match; or 39063
appropriation item 322-417, Supported Living, that enable persons 39064
with mental retardation and developmental disabilities to live in 39065
the community. Notwithstanding Chapter 5121. and section 5123.122 39066
of the Revised Code, the Department may waive the support 39067
collection requirements of those statutes for persons in community 39068
programs developed by the Department under this section. The 39069
Department shall adopt rules under Chapter 119. of the Revised 39070
Code or may use existing rules for the implementation of these 39071
programs. 39072

FAMILY SUPPORT SERVICES 39073

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 39074
5126.11 of the Revised Code, the Department of Mental Retardation 39075
and Developmental Disabilities may implement programs funded by 39076
appropriation item 322-451, Family Support Services, to provide 39077
assistance to persons with mental retardation or developmental 39078
disabilities and their families who are living in the community. 39079
The department shall adopt rules to implement these programs. The 39080
department may also use the foregoing appropriation item 322-451, 39081
Family Support Services, to pay the nonfederal share of the cost 39082
of one or more new 39083
intermediate-care-facility-for-the-mentally-retarded certified 39084
beds in a county where the county board of mental retardation and 39085
developmental disabilities initiates or supports the development 39086
or certification of such beds, if the Director of Mental 39087
Retardation and Developmental Disabilities is required by ~~this act~~ 39088
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 39089
Director of Job and Family Services funds to pay such nonfederal 39090
share. 39091

SERVICE AND SUPPORT ADMINISTRATION 39092

The foregoing appropriation item 322-452, Service and Support 39093
Administration, shall be allocated to county boards of mental 39094
retardation and developmental disabilities for the purpose of 39095
providing service and support administration services and to 39096
assist in bringing state funding for all department-approved 39097
service and support administrators within county boards of mental 39098
retardation and developmental disabilities to the level authorized 39099
in division (C) of section 5126.15 of the Revised Code. The 39100
department may request approval from the Controlling Board to 39101
transfer any unobligated appropriation authority from other state 39102
General Revenue Fund appropriation items within the department's 39103
budget to appropriation item 322-452, Service and Support 39104
Administration, to be used to meet the statutory funding level in 39105
division (C) of section 5126.15 of the Revised Code. 39106

Notwithstanding division (C) of section 5126.15 of the 39107
Revised Code and subject to funding in appropriation item 322-452, 39108
Service and Support Administration, no county may receive less 39109
than its allocation in fiscal year 1995. Wherever case management 39110
services are referred to in any law, contract, or other document, 39111
the reference shall be deemed to refer to service and support 39112
administration. No action or proceeding pending on the effective 39113
date of this section is affected by the renaming of case 39114
management services as service and support administration. 39115

The Department of Mental Retardation and Developmental 39116
Disabilities shall adopt, amend, and rescind rules as necessary to 39117
reflect the renaming of case management services as service and 39118
support administration. All boards of mental retardation and 39119
developmental disabilities and the entities with which they 39120
contract for services shall rename the titles of their employees 39121
who provide service and support administration. All boards and 39122
contracting entities shall make corresponding changes to all 39123

employment contracts. 39124

The Department also may use the foregoing appropriation item 39125
322-452, Service and Support Administration, to pay the nonfederal 39126
share of the cost of one or more new 39127
intermediate-care-facility-for-the-mentally-retarded certified 39128
beds in a county where the county board of mental retardation and 39129
developmental disabilities initiates or supports the development 39130
or certification of such beds, if the Director of Mental 39131
Retardation and Developmental Disabilities is required by ~~this act~~ 39132
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 39133
Director of Job and Family Services funds to pay such nonfederal 39134
share. 39135

STATE SUBSIDIES TO MR/DD BOARDS 39136

Notwithstanding section 5126.12 of the Revised Code, for 39137
fiscal year 2006, the Department shall, if sufficient funds as 39138
determined by the Department are available, use the foregoing 39139
appropriation item 322-501, County Boards Subsidies, to pay each 39140
county board of mental retardation and developmental disabilities 39141
an amount that is equal to the amount such board received in 39142
fiscal year 2005. If the Department determines that there are not 39143
sufficient funds available in appropriation item 322-501, County 39144
Boards Subsidies, for this purpose, the Department shall pay to 39145
each county board an amount that is proportionate to the amount 39146
such board received in fiscal year 2005. Proportionality shall be 39147
determined by comparing the payment a county board received in a 39148
category in fiscal year 2005 to the total payments distributed to 39149
all county boards for such category in fiscal year 2005. For 39150
fiscal year 2007, the Department shall pay to each county board an 39151
amount that is determined by an allocation formula to be developed 39152
by the Department that considers the applicable factors in section 39153
5126.12 of the Revised Code. 39154

The Department also may use the foregoing appropriation item 39155
322-501, County Boards Subsidies, to pay the nonfederal share of 39156
the cost of one or more new 39157
intermediate-care-facility-for-the-mentally-retarded certified 39158
beds in a county where the county board of mental retardation and 39159
developmental disabilities initiates or supports the development 39160
or certification of such beds, if the Director of Mental 39161
Retardation and Developmental Disabilities is required by ~~this act~~ 39162
Am. Sub. H.B. 66 of the 126th General Assembly to transfer to the 39163
Director of Job and Family Services funds to pay such nonfederal 39164
share. 39165

NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES 39166

Pursuant to an agreement between the county board and the 39167
Director of Mental Retardation and Developmental Disabilities, a 39168
county may pledge funds from its state allocation from GRF 39169
appropriation item 322-501, County Boards Subsidies, to cover the 39170
cost of providing the nonfederal match for active treatment 39171
services that the county provides to residents of the Department's 39172
developmental centers. The Director of Mental Retardation and 39173
Developmental Disabilities is authorized to transfer, through 39174
intrastate transfer vouchers, cash from these pledges from GRF 39175
appropriation item 322-501, County Boards Subsidies, to Fund 489, 39176
Mental Retardation Operating. Any other county funds received by 39177
the Department from county boards for active treatment shall be 39178
deposited in Fund 489, Mental Retardation Operating. 39179

WAIVER - MATCH 39180

The foregoing appropriation item 322-604, Waiver - Match 39181
(Fund 4K8), shall be used as state matching funds for the home and 39182
community-based waivers. 39183

COUNTY BOARD WAIVER MATCH 39184

The Director of Mental Retardation and Developmental 39185

Disabilities shall transfer, through intrastate transfer vouchers, 39186
cash from any allowable General Revenue Fund appropriation item to 39187
Fund 5Z1, appropriation item 322-624, County Board Waiver Match. 39188
(The amounts being transferred reflect the amounts that county 39189
boards pledge from their state General Revenue Funds allocations 39190
to cover the cost of providing the non-federal match for waiver 39191
services.) 39192

TRANSFER OF FUNDS FOR THE FAMILY AND CHILDREN FIRST CABINET 39193
COUNCIL TO THE DEPARTMENT OF MENTAL HEALTH 39194

On July 1, 2005, or as soon as possible thereafter, the 39195
Director of Mental Retardation and Developmental Disabilities 39196
shall certify the remaining cash balance in Fund 4V1, 39197
Miscellaneous Use, to the Director of Budget and Management. Upon 39198
receipt of the certification, the Director of Budget and 39199
Management shall transfer that amount and re-establish existing 39200
encumbrances in the Department of Mental Health, Fund 232, Family 39201
and Children First Administration Fund. When this transfer has 39202
been completed, Fund 4V1 shall be abolished. 39203

On November 1, 2005, or as soon as possible thereafter, the 39204
Director of Mental Retardation and Developmental Disabilities 39205
shall certify the remaining cash balance in Fund 4J6, Youth 39206
Cluster, to the Director of Budget and Management, who upon 39207
receipt shall transfer that amount to the General Revenue Fund and 39208
increase the Department of Mental Health's GRF appropriation item 39209
335-404, Behavioral Health Services-Children, by the same amount. 39210
When this transfer has been completed, Fund 4J6 shall be 39211
abolished. 39212

TARGETED CASE MANAGEMENT SERVICES 39213

The Departments of Mental Retardation and Developmental 39214
Disabilities and Job and Family Services may enter into an 39215
interagency agreement under which the Department of Mental 39216

Retardation and Developmental Disabilities shall pay the 39217
Department of Job and Family Services the nonfederal portion of 39218
the cost of targeted case management services and the Department 39219
of Job and Family Services shall pay the total cost of targeted 39220
case management claims. 39221

Quarterly, the Director of Mental Retardation and 39222
Developmental Disabilities, in consultation with the Director of 39223
Job and Family Services, shall estimate the cost, less any 39224
adjustments from the previous quarter, of the nonfederal share of 39225
targeted case management for claims with service dates after 39226
December 31, 2005, and shall certify this amount to the Director 39227
of Budget and Management. Notwithstanding any other provision of 39228
law to the contrary, the Director of Budget and Management may 39229
transfer cash equal to the amount certified from any Department of 39230
Mental Retardation and Developmental Disabilities fund identified 39231
by the Director of Mental Retardation and Developmental 39232
Disabilities to the Department of Job and Family Services Fund 39233
5C9, Medicaid Program Support. 39234

County boards of mental retardation and developmental 39235
disabilities shall pay the nonfederal portion of targeted case 39236
management costs to the Department of Mental Retardation and 39237
Developmental Disabilities. Notwithstanding any other provision of 39238
law to the contrary, county boards of mental retardation and 39239
developmental disabilities may pledge funds from any appropriation 39240
line item to pay for the nonfederal costs of targeted case 39241
management. The Director of Mental Retardation and Developmental 39242
Disabilities shall withhold any amount owed to the department from 39243
subsequent disbursements from any appropriation line item or money 39244
otherwise due to a nonpaying county. The Director of Mental 39245
Retardation and Developmental Disabilities may transfer cash, 39246
through intrastate transfer vouchers, from any Department of 39247
Mental Retardation and Developmental Disabilities appropriation 39248

<u>line item to Fund 5DJ.</u>				39249	
<u>The Director of Budget and Management may increase the</u>				39250	
<u>appropriation level of the Department of Job and Family Services</u>				39251	
<u>appropriation item 600-671, Medicaid Program Support, by</u>				39252	
<u>\$9,340,000 in fiscal year 2006 and by \$20,280,000 in fiscal year</u>				39253	
<u>2007. The Director may then increase the appropriation level for</u>				39254	
<u>the Department of Job and Family Services Fund 3F0, appropriation</u>				39255	
<u>item 600-623, Health Care Federal, by the corresponding federal</u>				39256	
<u>amount in fiscal year 2006 and fiscal year 2007.</u>				39257	
Sec. 209.09.18. RESIDENTIAL FACILITIES				39258	
General Revenue Fund				39259	
GRF 323-321 Residential Facilities	\$	101,764,366	\$	100,457,600	39260
Operations					39261
TOTAL GRF General Revenue Fund	\$	101,764,366	\$	100,457,600	39262
General Services Fund Group				39263	
152 323-609 Residential Facilities	\$	912,177	\$	912,177	39264
Support					39265
TOTAL GSF General Services				39266	
Fund Group	\$	912,177	\$	912,177	39267
Federal Special Revenue Fund Group				39268	
3A4 323-605 Developmental Center	\$	120,000,000	\$	120,000,000	39269
Operation Expenses					
325 323-608 Foster Grandparent	\$	575,000	\$	575,000	39270
Program					
TOTAL FED Federal Special Revenue				39271	
Fund Group	\$	120,575,000	\$	120,575,000	39272
State Special Revenue Fund Group				39273	
221 322-620 Supplement Service	\$	150,000	\$	150,000	39274
Trust					
489 323-632 Developmental Center	\$	12,125,628	\$	12,125,628	39275

Direct Care Support			
TOTAL SSR State Special Revenue			39276
Fund Group	\$ 12,275,628	\$ 12,275,628	39277
TOTAL ALL RESIDENTIAL FACILITIES			39278
BUDGET FUND GROUPS	\$ 235,527,171	\$ 234,220,405	39279
DEPARTMENT TOTAL			39280
GENERAL REVENUE FUND	\$ 352,880,570	\$ 353,397,967	39281
DEPARTMENT TOTAL			39282
GENERAL SERVICES FUND GROUP	\$ 2,202,177	\$ 1,612,177	39283
DEPARTMENT TOTAL			39284
FEDERAL SPECIAL REVENUE FUND GROUP	\$ 652,727,850	\$ 630,577,281	39285
DEPARTMENT TOTAL			39286
STATE SPECIAL REVENUE FUND GROUP	\$ 114,300,628	\$ 114,300,628	39287
	<u>146,990,628</u>	<u>184,650,628</u>	
TOTAL DEPARTMENT OF MENTAL			39288
RETARDATION AND DEVELOPMENTAL			39289
DISABILITIES	\$ 1,122,111,225	\$ 1,099,888,053	39290
	<u>1,154,801,225</u>	<u>1,170,238,053</u>	
Sec. 209.15. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION			39292
BOARD			39293
General Service Fund Group			39294
5H9 865-609 Operating Expenses -	\$ 325,047	\$ 0 <u>334,995</u>	39295
CRB			
TOTAL GSF General Services			39296
Fund Group	\$ 325,047	\$ 0 <u>334,995</u>	39297
TOTAL ALL BUDGET FUND GROUPS	\$ 325,047	\$ 0 <u>334,995</u>	39298
Sec. 209.18. DNR DEPARTMENT OF NATURAL RESOURCES			39300
General Revenue Fund			39301
GRF 725-401 Wildlife-GRF Central	\$ 1,000,000	\$ 1,000,000	39302
Support	<u>1,315,000</u>	<u>1,365,000</u>	

GRF 725-404	Fountain Square Rental Payments - OBA	\$ 1,025,300	\$ 1,092,000	39303
GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,000,000	\$ 1,000,000	39304
GRF 725-413	OPFC Lease Rental Payments	\$ 18,699,100	\$ 20,962,800	39305
GRF 725-423	Stream and Ground Water Gauging	\$ 311,910	\$ 311,910	39306
GRF 725-425	Wildlife License Reimbursement	\$ 646,319	\$ 646,319	39307
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859	39308
GRF 725-502	Soil and Water Districts	\$ 9,836,436	\$ 9,836,436	39309
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 25,866,000	\$ 24,359,100	39310
GRF 727-321	Division of Forestry	\$ 8,541,511	\$ 8,541,511	39311
GRF 728-321	Division of Geological Survey	\$ 1,630,000	\$ 1,630,000	39312
GRF 729-321	Office of Information Technology	\$ 440,895	\$ 440,895	39313
GRF 730-321	Division of Parks and Recreation	\$ 37,874,841	\$ 39,874,841	39314
GRF 731-321	Office of Coastal Management	\$ 259,707	\$ 259,707	39315
GRF 733-321	Division of Water	\$ 3,257,619	\$ 3,207,619	39316
GRF 736-321	Division of Engineering	\$ 3,118,703	\$ 3,118,703	39317
GRF 737-321	Division of Soil and Water	\$ 4,074,788	\$ 4,074,788	39318
GRF 738-321	Division of Real Estate and Land Management	\$ 2,291,874	\$ 2,291,874	39319

GRF 741-321	Division of Natural Areas and Preserves	\$	3,009,505	\$	3,009,505	39320
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	39321
TOTAL GRF General Revenue Fund		\$	126,285,534	\$	129,059,034	39322
			<u>126,600,534</u>		<u>129,424,034</u>	39323
General Services Fund Group						39324
155 725-601	Departmental Projects	\$	3,135,821	\$	3,011,726	39325
157 725-651	Central Support Indirect	\$	6,528,675	\$	6,528,675	39326
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	39327
206 725-689	REALM Support Services	\$	475,000	\$	475,000	39328
207 725-690	Real Estate Services	\$	64,000	\$	64,000	39329
223 725-665	Law Enforcement Administration	\$	2,096,225	\$	2,096,225	39330
227 725-406	Parks Projects Personnel	\$	175,000	\$	110,000	39331
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	39332
4S9 725-622	NatureWorks Personnel	\$	472,648	\$	307,648	39333
4X8 725-662	Water Resources Council	\$	125,000	\$	125,000	39334
430 725-671	Canal Lands	\$	797,582	\$	847,582	39335
508 725-684	Natural Resources Publications	\$	157,792	\$	157,792	39336
510 725-631	Maintenance - State-owned Residences	\$	260,849	\$	260,849	39337
516 725-620	Water Management	\$	2,442,956	\$	2,459,120	39338
635 725-664	Fountain Square Facilities Management	\$	3,182,223	\$	3,190,223	39339
697 725-670	Submerged Lands	\$	542,011	\$	542,011	39340
TOTAL GSF General Services Fund Group		\$	25,182,409	\$	24,902,478	39341 39342

Federal Special Revenue Fund Group				39343
3B3	725-640	Federal Forest	\$ 150,000 \$	150,000 39344
		Pass-Thru		
3B4	725-641	Federal Flood	\$ 350,000 \$	350,000 39345
		Pass-Thru		
3B5	725-645	Federal Abandoned Mine	\$ 14,310,497 \$	14,307,666 39346
		Lands		
3B6	725-653	Federal Land and Water	\$ 5,000,000 \$	5,000,000 39347
		Conservation Grants		
3B7	725-654	Reclamation -	\$ 2,107,292 \$	2,107,291 39348
		Regulatory		
3P0	725-630	Natural Areas and	\$ 315,000 \$	315,000 39349
		Preserves - Federal		
3P1	725-632	Geological Survey -	\$ 479,651 \$	479,651 39350
		Federal		
3P2	725-642	Oil and Gas-Federal	\$ 362,933 \$	367,912 39351
3P3	725-650	Coastal Management -	\$ 1,592,923 \$	1,607,686 39352
		Federal		
3P4	725-660	Water - Federal	\$ 419,766 \$	420,525 39353
3R5	725-673	Acid Mine Drainage	\$ 2,225,000 \$	2,225,000 39354
		Abatement/Treatment		
3Z5	725-657	REALM-Federal	\$ 1,578,871 \$	1,578,871 39355
328	725-603	Forestry Federal	\$ 1,813,827 \$	2,228,081 39356
332	725-669	Federal Mine Safety	\$ 258,102 \$	258,102 39357
		Grant		
TOTAL FED Federal Special Revenue				39358
Fund Group				\$ 30,963,862 \$ 31,395,785 39359
State Special Revenue Fund Group				39360
4J2	725-628	Injection Well Review	\$ 93,957 \$	79,957 39361
4M7	725-631	Wildfire Suppression	\$ 100,000 \$	100,000 39362
4U6	725-668	Scenic Rivers	\$ 407,100 \$	407,100 39363
		Protection		

5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	39364
		<u>Districts</u>					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	39365
5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	39366
		<u>Districts</u>					
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$	3,500,000	39367
		Administration					
509	725-602	State Forest	\$	2,291,664	\$	2,591,664	39368
511	725-646	Ohio Geological	\$	549,310	\$	549,310	39369
		Mapping					
512	725-605	State Parks Operations	\$	26,814,288	\$	26,814,288	39370
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	39371
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	612,075	\$	657,113	39372
518	725-643	Oil and Gas Permit	\$	2,674,377	\$	2,674,378	39373
		Fees					
518	725-677	Oil and Gas Well	\$	1,200,000	\$	1,200,000	39374
		Plugging					
521	725-627	Off-Road Vehicle	\$	143,490	\$	143,490	39375
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,550,670	\$	1,550,670	39376
		Funds					
526	725-610	Strip Mining	\$	1,932,492	\$	1,932,492	39377
		Administration Fee					
527	725-637	Surface Mining	\$	2,312,815	\$	2,322,702	39378
		Administration					
529	725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257	39379
531	725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237	39380
532	725-644	Litter Control and	\$	7,100,000	\$	7,100,000	39381
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	39382
615	725-661	Dam Safety	\$	365,223	\$	365,223	39383
TOTAL SSR State Special Revenue							39384

Fund Group		\$	60,487,768	\$	60,136,971	39385
Clean Ohio Fund Group						39386
061 725-405 Clean Ohio Operating		\$	155,000	\$	155,000	39387
TOTAL CLF Clean Ohio Fund Group		\$	155,000	\$	155,000	39388
Wildlife Fund Group						39389
015 740-401 Division of Wildlife		\$	49,447,500	\$	50,447,500	39390
Conservation						
815 725-636 Cooperative Management		\$	120,449	\$	120,449	39391
Projects						
816 725-649 Wetlands Habitat		\$	966,885	\$	966,885	39392
817 725-655 Wildlife Conservation		\$	5,000,000	\$	5,000,000	39393
Checkoff Fund						
818 725-629 Cooperative Fisheries		\$	1,500,000	\$	1,500,000	39394
Research						
819 725-685 Ohio River Management		\$	128,584	\$	128,584	39395
TOTAL WLF Wildlife Fund Group		\$	57,163,418	\$	58,163,418	39396
Waterways Safety Fund Group						39397
086 725-414 Waterways Improvement		\$	3,792,343	\$	3,792,343	39398
086 725-418 Buoy Placement		\$	52,182	\$	52,182	39399
086 725-501 Waterway Safety Grants		\$	137,867	\$	137,867	39400
086 725-506 Watercraft Marine		\$	576,153	\$	576,153	39401
Patrol						
086 725-513 Watercraft Educational		\$	366,643	\$	366,643	39402
Grants						
086 739-401 Division of Watercraft		\$	20,027,909	\$	20,086,681	39403
5AW 725-682 Watercraft Revolving		\$	3,000,000	\$	1,000,000	39404
Loans						
TOTAL WSF Waterways Safety Fund						39405
Group		\$	27,953,097	\$	26,011,869	39406
Holding Account Redistribution Fund Group						39407
R17 725-659 Performance Cash Bond		\$	374,263	\$	374,263	39408
Refunds						

R43 725-624 Forestry	\$	2,500,000	\$	1,500,000	39409
TOTAL 090 Holding Account					39410
Redistribution Fund Group	\$	2,874,263	\$	1,874,263	39411
Accrued Leave Liability Fund Group					39412
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	39413
TOTAL ALF Accrued Leave					39414
Liability Fund Group	\$	20,844	\$	20,844	39415
TOTAL ALL BUDGET FUND GROUPS	\$	331,086,195	\$	331,719,662	39416
		<u>331,401,195</u>		<u>332,084,662</u>	39417

Sec. 209.18.09. WILDLIFE LICENSE REIMBURSEMENT 39419

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 39434

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

SOIL AND WATER DISTRICTS 39441

In addition to state payments to soil and water conservation 39442
districts authorized by section 1515.10 of the Revised Code, the 39443
Department of Natural Resources may pay to any soil and water 39444
conservation district, from authority in appropriation item 39445
725-502, Soil and Water Districts, an annual amount not to exceed 39446
\$30,000, upon receipt of a request and justification from the 39447
district and approval by the Ohio Soil and Water Conservation 39448
Commission. The county auditor shall credit the payments to the 39449
special fund established under section 1515.10 of the Revised Code 39450
for the local soil and water conservation district. Moneys 39451
received by each district shall be expended for the purposes of 39452
the district. The foregoing appropriation item 725-683, Soil and 39453
Water Districts, shall be expended for the purposes described 39454
above, except that the funding source for this appropriation shall 39455
be a fee applied on the disposal of construction and demolition 39456
debris as provided in section 1515.14 of the Revised Code, as 39457
amended by ~~this act~~ Am. Sub. H.B. 66 of the 126th General 39458
Assembly. 39459

Of the foregoing appropriation item 725-502, Soil and Water 39460
Districts, \$25,000 in each fiscal year shall be used for the 39461
Conservation Action Project. 39462

Of the foregoing appropriation item, 725-683, Soil and Water 39463
Districts, \$200,000 in each fiscal year shall be used to support 39464
the Heidelberg College Water Quality Laboratory. 39465

Of the foregoing appropriation item 725-683, Soil and Water 39466
Districts, \$100,000 in each fiscal year shall be used to support 39467
the Muskingum Watershed Conservancy District. 39468

Of the foregoing appropriation item 725-683, Soil and Water 39469
Districts, \$100,000 in each fiscal year shall be used to support 39470
the Indian Lake Watershed in Logan County. 39471

DIVISION OF WATER	39472
Of the foregoing appropriation item 733-321, Division of	39473
Water, \$50,000 in fiscal year 2006 shall be used for the Fairport	39474
Harbor Port Authority boat launch in Lake County.	39475
FUND CONSOLIDATION	39476
The Director of Budget and Management shall transfer an	39477
amount certified by the Director of Natural Resources from the	39478
Central Support Indirect Fund (Fund 157) to the Law Enforcement	39479
Administration Fund (Fund 223) and the Information Services Fund	39480
(Fund 204) to implement a direct cost recovery plan.	39481
STATE PARK DEPRECIATION RESERVE	39482
The foregoing appropriation item 725-680, Parks Facilities	39483
Maintenance, shall be used by the Division of Parks and Recreation	39484
to maintain state park revenue producing facilities in the best	39485
economic operating condition and to repair and replace equipment	39486
used in the operation of state park revenue producing facilities.	39487
Upon certification of the Director of Natural Resources, the	39488
Director of Budget and Management shall transfer the cash balance	39489
in the Depreciation Reserve Fund (Fund 161), which is abolished in	39490
section 1541.221 of the Revised Code, as amended by this act <u>Am.</u>	39491
<u>Sub. H.B. 66 of the 126th General Assembly</u> , to the State Park Fund	39492
(Fund 512), which is created in section 1541.22 of the Revised	39493
Code. All outstanding encumbrances shall be cancelled <u>canceled</u> on	39494
October 1, 2005.	39495
OIL AND GAS WELL PLUGGING	39496
The foregoing appropriation item 725-677, Oil and Gas Well	39497
Plugging, shall be used exclusively for the purposes of plugging	39498
wells and to properly restore the land surface of idle and orphan	39499
oil and gas wells pursuant to section 1509.071 of the Revised	39500
Code. No funds from the appropriation item shall be used for	39501

salaries, maintenance, equipment, or other administrative 39502
purposes, except for those costs directly attributed to the 39503
plugging of an idle or orphan well. Appropriation authority from 39504
this appropriation item shall not be transferred to any other fund 39505
or line item. 39506

LITTER CONTROL AND RECYCLING 39507

Of the foregoing appropriation item, 725-644, Litter Control 39508
and Recycling, not more than \$1,500,000 may be used in each fiscal 39509
year for the administration of the Recycling and Litter Prevention 39510
program. 39511

CLEAN OHIO OPERATING EXPENSES 39512

The foregoing appropriation item 725-405, Clean Ohio 39513
Operating, shall be used by the Department of Natural Resources in 39514
administering section 1519.05 of the Revised Code. 39515

WATERCRAFT MARINE PATROL 39516

Of the foregoing appropriation item 739-401, Division of 39517
Watercraft, not more than \$200,000 in each fiscal year shall be 39518
expended for the purchase of equipment for marine patrols 39519
qualifying for funding from the Department of Natural Resources 39520
pursuant to section 1547.67 of the Revised Code. Proposals for 39521
equipment shall accompany the submission of documentation for 39522
receipt of a marine patrol subsidy pursuant to section 1547.67 of 39523
the Revised Code and shall be loaned to eligible marine patrols 39524
pursuant to a cooperative agreement between the Department of 39525
Natural Resources and the eligible marine patrol. 39526

WATERCRAFT REVOLVING LOAN PROGRAM 39527

Upon certification by the Director of Natural Resources, the 39528
Director of Budget and Management shall transfer an amount not to 39529
exceed \$3,000,000 in fiscal year 2006 and not to exceed \$1,000,000 39530
in fiscal year 2007 so certified from the Waterways Safety Fund 39531

(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The
moneys shall be used pursuant to section 1547.721 of the Revised
Code.

PARKS CAPITAL EXPENSES FUND

There is hereby created in the state treasury the Parks
Capital Expenses Fund (Fund 227). The fund shall be used to pay
for design, engineering, and planning costs incurred by the
Department of Natural Resources for capital parks projects.

The Director of Natural Resources shall submit to the
Director of Budget and Management the estimated design,
engineering, and planning costs of capital-related work to be done
by Department of Natural Resources staff for parks projects. If
the Director of Budget and Management approves the estimated
costs, the Director may release appropriations from appropriation
item 725-406, Parks Projects Personnel, for those purposes. Upon
release of the appropriations, the Department of Natural Resources
shall pay for these expenses from the Parks Capital Expenses Fund
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the
Parks and Recreation Improvement Fund (Fund 035) using an
intrastate transfer voucher. In fiscal year 2006 the Director of
Budget and Management shall transfer, using an intrastate transfer
voucher, \$20,000 from the Parks and Recreation Improvement Fund
(Fund 035) to the Parks Capital Expenses Fund (Fund 227).

Sec. 209.24. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND
ATHLETIC TRAINERS BOARD

General Services Fund Group					39557
4K9 890-609 Operating Expenses	\$	824,057	\$	± <u>836,529</u>	39558
TOTAL GSF General Services Fund Group	\$	824,057	\$	± <u>836,529</u>	39559
TOTAL ALL BUDGET FUND GROUPS	\$	824,057	\$	± <u>836,529</u>	39560

Sec. 209.30. ODB OHIO OPTICAL DISPENSERS BOARD				39562
General Services Fund Group				39563
4K9 894-609 Operating Expenses	\$	316,517	\$ 0 <u>312,656</u>	39564
TOTAL GSF General Services				39565
Fund Group	\$	316,517	\$ 0 <u>312,656</u>	39566
TOTAL ALL BUDGET FUND GROUPS				39567
 Sec. 209.33. OPT STATE BOARD OF OPTOMETRY				 39569
General Services Fund Group				39570
4K9 885-609 Operating Expenses	\$	336,771	\$ 0 <u>336,771</u>	39571
TOTAL GSF General Services				39572
Fund Group	\$	336,771	\$ 0 <u>336,771</u>	39573
TOTAL ALL BUDGET FUND GROUPS				39574
 Sec. 209.36. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS				 39576 39577
General Services Fund Group				39578
4K9 973-609 Operating Expenses	\$	99,571	\$ 0 <u>106,035</u>	39579
TOTAL GSF General Services				39580
Fund Group	\$	99,571	\$ 0 <u>106,035</u>	39581
TOTAL ALL BUDGET FUND GROUPS				39582
 Sec. 209.45. PSY STATE BOARD OF PSYCHOLOGY				 39583
General Services Fund Group				39584
4K9 882-609 Operating Expenses	\$	566,112	\$ 0 <u>586,565</u>	39585
TOTAL GSF General Services				39586
Fund Group	\$	566,112	\$ 0 <u>586,565</u>	39587
TOTAL ALL BUDGET FUND GROUPS				39588
 Sec. 209.63. BOR BOARD OF REGENTS				 39590
General Revenue Fund				39591

GRF 235-321	Operating Expenses	\$ 2,897,659	\$ 2,966,351	39592
GRF 235-401	Lease Rental Payments	\$ 200,619,200	\$ 200,795,300	39593
GRF 235-402	Sea Grants	\$ 231,925	\$ 231,925	39594
GRF 235-406	Articulation and Transfer	\$ 2,900,000	\$ 2,900,000	39595
GRF 235-408	Midwest Higher Education Compact	\$ 90,000	\$ 90,000	39596
GRF 235-409	Information System	\$ 1,146,510	\$ 1,175,172	39597
GRF 235-414	State Grants and Scholarship Administration	\$ 1,352,811	\$ 1,382,881	39598
GRF 235-415	Jobs Challenge	\$ 9,348,300	\$ 9,348,300	39599
GRF 235-417	Ohio Learning Network	\$ 3,119,496	\$ 3,119,496	39600
GRF 235-418	Access Challenge	\$ 73,513,302	\$ 73,004,671	39601
GRF 235-420	Success Challenge	\$ 52,601,934	\$ 52,601,934	39602
GRF 235-428	Appalachian New Economy Partnership	\$ 1,176,068	\$ 1,176,068	39603
GRF 235-433	Economic Growth Challenge	\$ 20,343,097	\$ 23,186,194	39604
GRF 235-434	College Readiness and Access	\$ 6,375,975	\$ 7,655,425	39605
GRF 235-435	Teacher Improvement Initiatives	\$ 2,697,506	\$ 2,697,506	39606
GRF 235-451	Eminent Scholars	\$ 0	\$ 1,370,988	39607
GRF 235-455	EnterpriseOhio Network	\$ 1,373,941	\$ 1,373,941	39608
GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	39609
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,589,096,031	39610
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	39611
GRF 235-503	Ohio Instructional	\$ 121,151,870	\$ 92,496,969	39612

	Grants				
GRF 235-504	War Orphans	\$	4,672,321	\$	4,672,321 39613
	Scholarships				
GRF 235-507	OhioLINK	\$	6,887,824	\$	6,887,824 39614
GRF 235-508	Air Force Institute of	\$	1,925,345	\$	1,925,345 39615
	Technology				
GRF 235-510	Ohio Supercomputer	\$	4,271,195	\$	4,271,195 39616
	Center				
GRF 235-511	Cooperative Extension	\$	25,644,863	\$	25,644,863 39617
	Service				
GRF 235-513	Ohio University	\$	336,082	\$	336,082 39618
	Voinovich Center				
GRF 235-515	Case Western Reserve	\$	3,011,271	\$	3,011,271 39619
	University School of				
	Medicine				
GRF 235-518	Capitol Scholarship	\$	125,000	\$	125,000 39620
	Program				
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470 39621
GRF 235-520	Shawnee State	\$	1,918,830	\$	1,822,889 39622
	Supplement				
GRF 235-521	The Ohio State	\$	286,082	\$	286,082 39623
	University Glenn				
	Institute				
GRF 235-524	Police and Fire	\$	171,959	\$	171,959 39624
	Protection				
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 39625
GRF 235-526	Primary Care	\$	2,245,688	\$	2,245,688 39626
	Residencies				
GRF 235-527	Ohio Aerospace	\$	1,764,957	\$	1,764,957 39627
	Institute				
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 39628
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376 39629
GRF 235-534	Student Workforce	\$	2,137,500	\$	2,137,500 39630

	Development Grants				
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188 39631
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 39632
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 39633
GRF 235-538	Medical University of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 39634
GRF 235-539	Wright State University Clinical Teaching		4,225,107	\$	4,225,107 39635
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 39636
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 39637
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000 39638
GRF 235-547	School of International Business	\$	450,000	\$	450,000 39639
GRF 235-549	Part-time Student Instructional Grants	\$	14,457,721	\$	10,534,617 39640
GRF 235-552	Capital Component	\$	19,058,863 <u>19,059,866</u>	\$	19,058,863 <u>19,059,866</u> 39641
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599 39642

GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	39643
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	39644
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	39645
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047	39646
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	39647
GRF 235-563	Ohio College Opportunity Grant	\$	0	\$	58,144,139	39648
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	39649
GRF 235-583	Urban University Program	\$	4,992,937	\$	4,992,937	39650
GRF 235-587	Rural University Projects	\$	1,147,889	\$	1,147,889	39651
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	39652
GRF 235-599	National Guard Scholarship Program	\$	15,128,472	\$	16,611,063	39653
GRF 235-909	Higher Education General Obligation Debt Service	\$	137,600,300	\$	152,114,100	39654
TOTAL GRF General Revenue Fund		\$	2,469,260,757	\$	2,548,147,869	39655
			<u>2,469,261,760</u>		<u>2,548,148,872</u>	
General Services Fund Group						39656
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000	39657
456 235-603	Sales and Services	\$	700,000	\$	900,000	39658

TOTAL GSF General Services				39659
Fund Group	\$	1,100,000	\$ 1,300,000	39660
Federal Special Revenue Fund Group				39661
3H2 235-608 Human Services Project	\$	1,500,000	\$ 1,500,000	39662
3H2 235-622 Medical Collaboration Network	\$	3,346,143	\$ 3,346,143	39663
3N6 235-605 State Student Incentive Grants	\$	2,196,680	\$ 2,196,680	39664
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$ 150,001	39665
312 235-609 Tech Prep	\$	183,850	\$ 183,850	39666
312 235-611 Gear-up Grant	\$	1,370,691	\$ 1,370,691	39667
312 235-612 Carl D. Perkins Grant/Plan Administration	\$	112,960	\$ 112,960	39668
312 235-615 Professional Development	\$	523,129	\$ 523,129	39669
312 235-617 Improving Teacher Quality Grant	\$	2,900,000	\$ 2,900,000	39670
312 235-619 Ohio Supercomputer Center	\$	6,000,000	\$ 6,000,000	39671
312 235-621 Science Education Network	\$	1,686,970	\$ 1,686,970	39672
312 235-631 Federal Grants	\$	250,590	\$ 250,590	39673
TOTAL FED Federal Special Revenue				39674
Fund Group	\$	20,221,014	\$ 20,221,014	39675
State Special Revenue Fund Group				39676
4E8 235-602 Higher Educational Facility Commission Administration	\$	55,000	\$ 55,000	39677
4P4 235-604 Physician Loan	\$	476,870	\$ 476,870	39678

	Repayment				
649	235-607	The Ohio State	\$	760,000	\$ 760,000 39679
		University			
		Highway/Transportation			
		Research			
682	235-606	Nursing Loan Program	\$	893,000	\$ 893,000 39680
		TOTAL SSR State Special Revenue			39681
		Fund Group	\$	2,184,870	\$ 2,184,870 39682
		TOTAL ALL BUDGET FUND GROUPS	\$	2,492,766,641	\$ 2,571,853,753 39683
				<u>2,492,767,644</u>	<u>2,571,854,756</u>

Sec. 209.63.42. COLLEGE READINESS AND ACCESS 39685

Appropriation item 235-434, College Readiness and Access, 39686
shall be used by the Board of Regents to support programs designed 39687
to improve the academic preparation and increase the number of 39688
students that enroll and succeed in higher education such as the 39689
Ohio College Access Network, the state match for the federal 39690
Gaining Early Awareness and Readiness for Undergraduate Program, 39691
and early awareness initiatives. The appropriation item shall also 39692
be used to support innovative statewide strategies to increase 39693
student access and retention for specialized populations, and to 39694
provide for pilot projects that will contribute to improving 39695
access to higher education by specialized populations. The funds 39696
may be used for projects that improve access for nonpublic 39697
secondary students. 39698

Of the foregoing appropriation item 235-434, College 39699
Readiness and Access, \$798,684 in fiscal year 2006 and \$822,645 in 39700
fiscal year 2007 shall be distributed to the Ohio Appalachian 39701
Center for Higher Education at Shawnee State University. The board 39702
of directors of the Center shall consist of the presidents of 39703
Shawnee State University, ~~Ohio University~~, Belmont Technical 39704
College, Hocking College, Jefferson Community College, Zane State 39705

College, Rio Grande Community College, Southern State Community 39706
College, and Washington State Community College; the president of 39707
Ohio University or a designee of the president; the dean of one of 39708
the Salem, Tuscarawas, and East Liverpool regional campuses of 39709
Kent State University, as designated by the president of Kent 39710
State University; and a representative of the Board of Regents 39711
designated by the Chancellor. 39712

Of the foregoing appropriation item 235-434, College 39713
Readiness and Access, \$169,553 in fiscal year 2006 and \$174,640 in 39714
fiscal year 2007 shall be distributed to Miami University for the 39715
Student Achievement in Research and Scholarship (STARS) Program. 39716

Of the foregoing appropriation item 235-434, College 39717
Readiness and Access, \$1,574,535 in fiscal year 2006 and 39718
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 39719
funding provided in the Ohio Department of Education budget under 39720
appropriation item 200-431, School Improvement Initiatives, to 39721
support the Early College High School Pilot Program. The funds 39722
shall be distributed according to guidelines established by the 39723
Department of Education and the Board of Regents. 39724

Sec. 209.64.60. RURAL UNIVERSITY PROJECTS 39725

Of the foregoing appropriation item 235-587, Rural University 39726
Projects, Bowling Green State University shall receive \$263,783 in 39727
each fiscal year, Miami University shall receive \$245,320 in each 39728
fiscal year, and Ohio University shall receive \$575,015 in each 39729
fiscal year. These funds shall be used to support the Institute 39730
for Local Government Administration and Rural Development at Ohio 39731
University, the Center for Public Management and Regional Affairs 39732
at Miami University, and the Center for ~~Policy Analysis and Public~~ 39733
~~Service~~ Regional Development at Bowling Green State University. 39734

A small portion of the funds provided to Ohio University 39735
shall also be used for the Institute for Local Government 39736

Administration and Rural Development State and Rural Policy 39737
 Partnership with the Governor's Office of Appalachia and the 39738
 Appalachian delegation of the General Assembly. 39739

Of the foregoing appropriation item 235-587, Rural University 39740
 Projects, \$15,942 in each fiscal year shall be used to support the 39741
 Washington State Community College day care center. 39742

Of the foregoing appropriation item 235-587, Rural University 39743
 Projects, \$47,829 in each fiscal year shall be used to support the 39744
 COAD/ILGARD/GOA Appalachian Leadership Initiative. 39745

Sec. 209.75. RCB RESPIRATORY CARE BOARD 39746

General Services Fund Group 39747
 4K9 872-609 Operating Expenses \$ 441,987 \$ 0 450,520 39748
 TOTAL GSF General Services 39749
 Fund Group \$ 441,987 \$ 0 450,520 39750
 TOTAL ALL BUDGET FUND GROUPS \$ 441,987 \$ 0 450,520 39751

Sec. 209.81. SAN BOARD OF SANITARIAN REGISTRATION 39753

General Services Fund Group 39754
 4K9 893-609 Operating Expenses \$ 134,279 \$ 0 138,551 39755
 TOTAL GSF General Services 39756
 Fund Group \$ 134,279 \$ 0 138,551 39757
 TOTAL ALL BUDGET FUND GROUPS \$ 134,279 \$ 0 138,551 39758

Sec. 209.90.06. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 39760
FACILITIES 39761

Notwithstanding any other provision of law to the contrary, 39762
 the School Facilities Commission may provide assistance under the 39763
 Exceptional Needs School Facilities Program established in section 39764
 3318.37 of the Revised Code to any school district, and not 39765
 exclusively to a school district in the lowest ~~fifty~~ seventy-five 39766

per cent of adjusted valuation per pupil on the current ranking of 39767
school districts established under section 3317.02 of the Revised 39768
Code, for the purpose of the relocation or replacement of school 39769
facilities required as a result of extreme environmental 39770
contamination. 39771

The School Facilities Commission shall contract with an 39772
independent environmental consultant to conduct a study and to 39773
report to the commission as to the seriousness of the 39774
environmental contamination, whether the contamination violates 39775
applicable state and federal standards, and whether the facilities 39776
are no longer suitable for use as school facilities. The 39777
commission then shall make a determination regarding funding for 39778
the relocation or replacement of the school facilities. If the 39779
federal government or other public or private entity provides 39780
funds for restitution of costs incurred by the state or school 39781
district in the relocation or replacement of the school 39782
facilities, the school district shall use such funds in excess of 39783
the school district's share to refund the state for the state's 39784
contribution to the environmental contamination portion of the 39785
project. The school district may apply an amount of such 39786
restitution funds up to an amount equal to the school district's 39787
portion of the project, as defined by the commission, toward 39788
paying its portion of that project to reduce the amount of bonds 39789
the school district otherwise must issue to receive state 39790
assistance under sections 3318.01 to 3318.20 of the Revised Code. 39791

Sec. 212.03. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 39792
AUDIOLOGY 39793

General Services Fund Group 39794
4K9 886-609 Operating Expenses \$ 408,864 \$ 0 415,000 39795
TOTAL GSF General Services 39796
Fund Group \$ 408,864 \$ 0 415,000 39797

TOTAL ALL BUDGET FUND GROUPS	\$	408,864	\$	415,000	39798
Sec. 212.24. OVH OHIO VETERANS' HOME					39800
General Revenue Fund					39801
GRF 430-100 Personal Services	\$	20,629,914	\$	21,030,031	39802
		<u>21,429,914</u>		<u>21,830,031</u>	
GRF 430-200 Maintenance	\$	6,396,200	\$	6,396,200	39803
		<u>7,246,200</u>		<u>7,246,200</u>	
TOTAL GRF General Revenue Fund	\$	27,026,114	\$	27,426,231	39804
		<u>28,676,114</u>		<u>29,076,231</u>	
General Services Fund Group					39805
484 430-603 Rental and Service	\$	882,737	\$	882,737	39806
Revenue					
TOTAL GSF General Services Fund	\$	882,737	\$	882,737	39807
Group					
Federal Special Revenue Fund Group					39808
3L2 430-601 Federal VA Per Diem	\$	14,990,510	\$	15,290,320	39809
Grant					
TOTAL FED Federal Special Revenue					39810
Fund Group	\$	14,990,510	\$	15,290,320	39811
State Special Revenue Fund Group					39812
4E2 430-602 Veterans Home	\$	8,322,731	\$	8,530,800	39813
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	39814
Improvement					
TOTAL SSR State Special Revenue					39815
Fund Group	\$	9,092,827	\$	9,300,896	39816
TOTAL ALL BUDGET FUND GROUPS	\$	51,992,188	\$	52,900,184	39817
		<u>53,642,188</u>		<u>54,550,184</u>	
<u>Notwithstanding any other provision of law to the contrary,</u>					39818
<u>in fiscal year 2006 and in fiscal year 2007, the Director of</u>					39819

Budget and Management may transfer cash from SSR Fund 604, 39820
Veterans Home Improvement Fund, to SSR Fund 4E2, Veterans Home 39821
Operating Fund. Any cash transfer described in this section shall 39822
be used in accordance with section 5907.131 of the Revised Code. 39823
The amount transferred by the Director is hereby appropriated to 39824
foregoing SSR appropriation item 430-602, Veterans Home Operating 39825
(Fund 4E2). 39826

Within thirty days after the conclusion of each fiscal 39827
quarter, the Ohio Veterans' Home Agency shall submit a report on 39828
the status of the Agency's fiscal operations to the Governor, 39829
President of the Senate, Minority Leader of the Senate, Speaker of 39830
the House of Representatives, and Minority Leader of the House of 39831
Representatives. 39832

Sec. 212.27. VET VETERANS' ORGANIZATIONS 39833

General Revenue Fund 39834

VAP AMERICAN EX-PRISONERS OF WAR 39835

GRF 743-501 State Support \$ 25,030 \$ 25,030 39836

VAN ARMY AND NAVY UNION, USA, INC. 39837

GRF 746-501 State Support \$ 55,012 \$ 55,012 39838

VKW KOREAN WAR VETERANS 39839

GRF 747-501 State Support \$ 49,453 \$ 49,453 39840

VJW JEWISH WAR VETERANS 39841

GRF 748-501 State Support \$ 29,715 \$ 29,715 39842

VCW CATHOLIC WAR VETERANS 39843

GRF 749-501 State Support \$ 57,990 \$ 57,990 39844

VPH MILITARY ORDER OF THE PURPLE HEART 39845

GRF 750-501 State Support \$ 56,377 \$ 56,377 39846

VVV VIETNAM VETERANS OF AMERICA 39847

GRF 751-501 State Support \$ 185,954 \$ 185,954 39848

VAL AMERICAN LEGION OF OHIO 39849

GRF 752-501 State Support \$ 302,328 \$ 302,328 39850

	VII AMVETS			39851
GRF 753-501	State Support	\$ 287,919	\$ 287,919	39852
	VAV DISABLED AMERICAN VETERANS			39853
GRF 754-501	State Support	\$ 216,308	\$ 216,308	39854
	VMC MARINE CORPS LEAGUE			39855
GRF 756-501	State Support	\$ 115,972	\$ 115,972	39856
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			39857
GRF 757-501	State Support	\$ 5,946	\$ 5,946	39858
	VFW VETERANS OF FOREIGN WARS			39859
GRF 758-501	State Support	\$ 246,615	\$ 246,615	39860
TOTAL GRF	General Revenue Fund	\$ 1,634,619	\$ 1,634,619	39861
TOTAL ALL BUDGET FUND GROUPS		\$ 1,634,619	\$ 1,634,619	39862
	RELEASE OF FUNDS			39863
	The foregoing appropriation items 743-501, 746-501, 747-501,			39864
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,			39865
	756-501, 757-501, and 758-501, State Support, shall be released			39866
	upon approval by the Director of Budget and Management.			39867
	CENTRAL OHIO UNITED SERVICES ORGANIZATION			39868
	Of the foregoing appropriation item 751-501, State Support,			39869
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be			39870
	used to support the activities of the Central Ohio USO.			39871
	VAL AMERICAN LEGION OF OHIO			39872
	Of the foregoing appropriation item 752-501, State Support,			39873
	VAL American Legion, at least \$50,000 in each fiscal year shall be			39874
	used to fund service officer expenses.			39875
	VETERANS SERVICE COMMISSION EDUCATION			39876
	Of the foregoing appropriation item 753-501, State Support,			39877
	AMVETS, up to \$20,000 in each fiscal year may be used to provide			39878
	moneys to the Association of County Veterans Service Commissioners			39879
	to reimburse its member county veterans service commissions for			39880

costs incurred in carrying out educational and outreach duties 39881
required under divisions (E) and (F) of section 5901.03 of the 39882
Revised Code. ~~Additionally, at least \$50,000 shall be used in each~~ 39883
~~fiscal year to fund service officer expenses.~~ The Director of 39884
Budget and Management shall release these funds upon the 39885
presentation of an itemized receipt, approved by the Governor's 39886
Office of Veterans Affairs, from the association for reasonable 39887
and appropriate expenses incurred while performing these duties. 39888
The association shall establish uniform procedures for reimbursing 39889
member commissions. 39890

VII AMVETS 39891

Of the foregoing appropriation item 753-501, State Support, 39892
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 39893
service officer expenses. 39894

VAV DISABLED AMERICAN VETERANS 39895

Of the foregoing appropriation item 754-501, State Support, 39896
VAV Disabled American Veterans, at least \$50,000 in each fiscal 39897
year shall be used to fund service officer expenses. 39898

VMC MARINE CORPS LEAGUE 39899

Of the foregoing appropriation item 756-501, State Support, 39900
VMC Marine Corps League, at least \$30,000 in each fiscal year 39901
shall be used to fund service officer expenses. 39902

VFW VETERANS OF FOREIGN WARS 39903

Of the foregoing appropriation item 758-501, State Support, 39904
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 39905
shall be used to fund service officer expenses. 39906

Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD 39907

General Services Fund Group 39908

4K9 888-609 Operating Expenses \$ 293,691 \$ 0 307,000 39909

5BU 888-602 Veterinary Student	\$	60,000	\$	⊖ <u>60,000</u>	39910
Loan Program					
TOTAL GSF General Services					39911
Fund Group	\$	353,691	\$	⊖ <u>367,000</u>	39912
TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$	⊖ <u>367,000</u>	39913
CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM FUND (FUND					39914
5BU)					39915
On July 1, 2005, or as soon as possible thereafter, the					39916
Director of Budget and Management shall transfer \$60,000 in cash					39917
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to					39918
the Veterinary Student Loan Program Fund (Fund 5BU), which is					39919
hereby created. The amount of the transfer is hereby appropriated.					39920
VETERINARY STUDENT LOAN PROGRAM					39921
The foregoing appropriation item 888-602, Veterinary Student					39922
Loan Program, shall be used by the Veterinary Medical Licensing					39923
Board to implement a student loan repayment program for veterinary					39924
students focusing on large animal populations, public health, or					39925
regulatory veterinary medicine.					39926
Sec. 212.33. DYS DEPARTMENT OF YOUTH SERVICES					39927
General Revenue Fund					39928
GRF 470-401 RECLAIM Ohio	\$	177,016,683	\$	182,084,588	39929
GRF 470-412 Lease Rental Payments	\$	20,267,500	\$	21,882,700	39930
GRF 470-510 Youth Services	\$	18,608,587	\$	18,608,587	39931
GRF 472-321 Parole Operations	\$	14,358,995	\$	14,962,871	39932
GRF 477-321 Administrative	\$	14,239,494	\$	14,754,420	39933
Operations					
TOTAL GRF General Revenue Fund	\$	244,491,259	\$	252,293,166	39934
General Services Fund Group					39935
175 470-613 Education	\$	10,112,529	\$	9,450,598	39936
Reimbursement					

4A2	470-602	Child Support	\$	320,641	\$	328,657	39937
4G6	470-605	General Operational	\$	10,000	\$	10,000	39938
		Funds					
479	470-609	Employee Food Service	\$	141,466	\$	137,666	39939
523	470-621	Wellness Program	\$	46,937	\$	0	39940
6A5	470-616	Building Demolition	\$	31,100	\$	0	39941
		TOTAL GSF General Services					39942
		Fund Group	\$	10,662,673	\$	9,926,921	39943
		Federal Special Revenue Fund Group					39944
3V5	470-604	Juvenile	\$	4,254,745	\$	4,254,746	39945
		Justice/Delinquency					
		Prevention					
3W0	470-611	Federal Juvenile	\$	222,507	\$	0	39946
		Programs FFY 02					
3Z8	470-625	Federal Juvenile	\$	1,500,001	\$	773,812	39947
		Programs FFY 04					
3Z9	470-626	Federal Juvenile	\$	465,000	\$	0	39948
		Programs FFY 05					
321	470-601	Education	\$	1,422,580	\$	1,465,399	39949
321	470-603	Juvenile Justice	\$	1,981,169	\$	2,006,505	39950
		Prevention					
321	470-606	Nutrition	\$	2,471,550	\$	2,470,655	39951
321	470-614	Title IV-E	\$	4,960,589	\$	6,012,361	39952
		Reimbursements					
321	470-617	Americorps Programs	\$	456,000	\$	463,700	39953
		TOTAL FED Federal Special Revenue					39954
		Fund Group	\$	17,734,141	\$	17,447,178	39955
		State Special Revenue Fund Group					39956
147	470-612	Vocational Education	\$	1,937,784	\$	2,009,866	39957
4W3	470-618	Help Me Grow	\$	11,000	\$	11,000	39958
5BH	470-628	Partnerships for	\$	1,500,000	\$	1,500,000	39959
		Success					

TOTAL SSR State Special Revenue				39960	
Fund Group	\$	3,448,784	\$	3,520,866	39961
TOTAL ALL BUDGET FUND GROUPS	\$	276,336,857	\$	283,188,131	39962
RECLAIM OHIO				39963	
Of the foregoing appropriation item 470-401, RECLAIM Ohio,				39964	
\$25,000 in each fiscal year shall be distributed directly to the				39965	
Lighthouse Youth Services Wrap-Around Program.				39966	
OHIO BUILDING AUTHORITY LEASE PAYMENTS				39967	
The foregoing appropriation item 470-412, Lease Rental				39968	
Payments, in the Department of Youth Services, shall be used for				39969	
payments to the Ohio Building Authority for the period from July				39970	
1, 2005, to June 30, 2007, under the primary leases and agreements				39971	
for facilities made under Chapter 152. of the Revised Code, but				39972	
limited to the aggregate amount of \$42,150,200. This appropriation				39973	
is the source of funds pledged for bond service charges on related				39974	
obligations issued pursuant to Chapter 152. of the Revised Code.				39975	
				39976	
EDUCATION REIMBURSEMENT				39977	
The foregoing appropriation item 470-613, Education				39978	
Reimbursement, shall be used to fund the operating expenses of				39979	
providing educational services to youth supervised by the				39980	
Department of Youth Services. Operating expenses include, but are				39981	
not limited to, teachers' salaries, maintenance costs, and				39982	
educational equipment. This appropriation item may be used for				39983	
capital expenses related to the education program.				39984	
EMPLOYEE FOOD SERVICE AND EQUIPMENT				39985	
Notwithstanding section 125.14 of the Revised Code, the				39986	
foregoing appropriation item 470-609, Employee Food Service, may				39987	
be used to purchase any food operational items with funds received				39988	
into the fund from reimbursement for state surplus property.				39989	

PARTNERSHIPS FOR SUCCESS	39990
In fiscal year 2006, the <u>The</u> foregoing appropriation item	39991
470-628, Partnerships for Success, shall be used to support the	39992
Partnerships for Success Project. On or before January 1, 2007	39993
<u>2008</u> , the Director of Budget and Management shall transfer any	39994
amount of cash that remains unspent in the Partnerships for	39995
Success Fund (Fund 5BH) to the Children's Trust Fund (Fund 198).	39996
FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF	39997
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES	39998
Any business relating to the funds associated with the Office	39999
of Criminal Justice Services' appropriation item 196-602, Criminal	40000
Justice Federal Programs, commenced but not completed by the	40001
Office of Criminal Justice Services or its director shall be	40002
completed by the Department of Youth Services or its director in	40003
the same manner, and with the same effect, as if completed by the	40004
Office of Criminal Justice Services or its director. No	40005
validation, cure, right, privilege, remedy, obligation, or	40006
liability is lost or impaired by reason of the transfer and shall	40007
be administered by the Department of Youth Services.	40008
Any action or proceeding against the Office of Criminal	40009
Justice Services pending on the effective date of this section	40010
shall not be affected by the transfer of responsibility to the	40011
Department of Youth Services, and shall be prosecuted or defended	40012
in the name of the Department of Youth Services or its director.	40013
In all such actions and proceedings, the Department of Youth	40014
Services or its director upon application of the court shall be	40015
substituted as party.	40016
Sec. 557.12. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS	40017
(A) On or before the seventh day of each month of the period	40018
July 2005 through June 2007, the Tax Commissioner shall determine	40019

and certify to the Director of Budget and Management the amount to
be credited, by tax, during that month to the Local Government
Fund, to the Library and Local Government Support Fund, and to the
Local Government Revenue Assistance Fund, respectively, under
divisions (B) to (G) of this section.

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12,
5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary,
for each month in the period July 1, 2005, through June 30, 2007,
from the utility excise, kilowatt-hour, corporation franchise,
sales and use, and personal income taxes collected:

(1) An amount shall first be credited to the Local Government
Fund equal to the amount credited to that fund from that tax
according to the schedule in divisions (C), (D), (E), and (F) of
this section;

(2) An amount shall next be credited to the Local Government
Revenue Assistance Fund equal to the amount credited to that fund
from that tax according to the schedule in divisions (C), (D),
(E), and (F) of this section;

(3) An amount shall next be credited to the Library and Local
Government Support Fund equal to the amount credited to that fund
from that tax according to the schedule in division (G) of this
section.

To the extent the amounts credited under divisions (B)
~~through to~~ (G) of this section exceed the amounts that otherwise
would have been credited under sections 5727.45, 5727.84, 5733.12,
5739.21, 5741.03, and 5747.03 of the Revised Code, the amounts
credited to the ~~general revenue fund~~ General Revenue Fund shall be
reduced. To the extent the amounts credited under divisions (B)
~~through to~~ (G) of this section are less than the amounts that
otherwise would have been credited under sections 5727.45,
5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised

Code, the amounts credited to the ~~general revenue fund~~ General 40051
Revenue Fund shall be increased. After the appropriate amounts are 40052
credited to funds under division (B) of this section, additional 40053
adjustments may be required in June 2006 and June 2007 pursuant to 40054
division (I) of this section. 40055

(C) Pursuant to divisions (B)(1) and (2) of this section, the 40056
amounts shall be credited from the corporation franchise, sales 40057
and use, and personal income taxes to each respective fund as 40058
follows: 40059

(1) In July 2005, one hundred per cent of the amount credited 40060
in July 2004; in July 2006, one hundred per cent of the amount 40061
credited in July 2005; 40062

(2) In August 2005, one hundred per cent of the amount 40063
credited in August 2004; in August 2006, one hundred per cent of 40064
the amount credited in August 2005; 40065

(3) In September 2005, one hundred per cent of the amount 40066
credited in September 2004; in September 2006, one hundred per 40067
cent of the amount credited in September 2005; 40068

(4) In October 2005, one hundred per cent of the amount 40069
credited in October 2004; in October 2006, one hundred per cent of 40070
the amount credited in October 2005; 40071

(5) In November 2005, one hundred per cent of the amount 40072
credited in November 2004; in November 2006, one hundred per cent 40073
of the amount credited in November 2005; 40074

(6) In December 2005, one hundred per cent of the amount 40075
credited in December 2004; in December 2006, one hundred per cent 40076
of the amount credited in December 2005; 40077

(7) In January 2006, one hundred per cent of the amount 40078
credited in January 2005; in January 2007, one hundred per cent of 40079
the amount credited in January 2006; 40080

(8) In February 2006, one hundred per cent of the amount	40081
credited in February 2005; in February 2007, one hundred per cent	40082
of the amount credited in February 2006;	40083
(9) In March 2006, one hundred per cent of the amount	40084
credited in March 2005; in March 2007, one hundred per cent of the	40085
amount credited in March 2006;	40086
(10) In April 2006, one hundred per cent of the amount	40087
credited in April 2005; in April 2007, one hundred per cent of the	40088
amount credited in April 2006;	40089
(11) In May 2006, one hundred per cent of the amount credited	40090
in May 2005; in May 2007, one hundred per cent of the amount	40091
credited in May 2006;	40092
(12) In June 2006, one hundred per cent of the amount	40093
credited in June 2005; in June 2007, one hundred per cent of the	40094
amount credited in June 2006.	40095
(D) Pursuant to divisions (B)(1) and (2) of this section,	40096
from the public utility excise tax, amounts shall be credited to	40097
the Local Government Fund and the Local Government Revenue	40098
Assistance Fund as follows:	40099
(1) In July 2005 and July 2006, no amount shall be credited	40100
to the Local Government Fund and no amount shall be credited to	40101
the Local Government Revenue Assistance Fund;	40102
(2) In August 2005 and August 2006, no amount shall be	40103
credited to the Local Government Fund or to the Local Government	40104
Revenue Assistance Fund;	40105
(3) In September 2005 and September 2006, no amount shall be	40106
credited to the Local Government Fund or to the Local Government	40107
Revenue Assistance Fund;	40108
(4) In October 2005 and October 2006, thirty per cent of	40109
\$7,870,426.16 shall be credited to the Local Government Fund and	40110

thirty per cent of \$1,124,346.59 shall be credited to the Local Government Revenue Assistance Fund; 40111
40112

(5) In November 2005 and November 2006, thirty per cent of \$1,045,731.11 shall be credited to the Local Government Fund and thirty per cent of \$149,390.15 shall be credited to the Local Government Revenue Assistance Fund; 40113
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(6) In December 2005 and December 2006, thirty per cent of \$1,210,041.67 shall be credited to the Local Government Fund and thirty per cent of \$172,863.13 shall be credited to the Local Government Revenue Assistance Fund; 40117
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(7) In January 2006 and January 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund; 40121
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(8) In February 2006 and February 2007, thirty per cent of \$1,515,069.22 shall be credited to the Local Government Fund and thirty per cent of \$216,438.43 shall be credited to the Local Government Revenue Assistance Fund; 40124
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(9) In March 2006 and March 2007, thirty per cent of \$7,859,958.57 shall be credited to the Local Government Fund and thirty per cent of \$1,122,851.24 shall be credited to the Local Government Revenue Assistance Fund; 40128
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(10) In April 2006 and April 2007, no amount shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund; 40132
40133
40134

(11) In May 2006 and May 2007, thirty per cent of \$3,300,718.22 shall be credited to the Local Government Fund and thirty per cent of \$471,531.17 shall be credited to the Local Government Revenue Assistance Fund; 40135
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(12) In June 2006 and June 2007, thirty per cent of \$9,344,500.89 shall be credited to the Local Government Fund and 40139
40140

thirty per cent of \$1,334,928.70 shall be credited to the Local
Government Revenue Assistance Fund.

(E) Pursuant to divisions (B)(1) and (2) of this section,
from the kilowatt-hour tax, amounts shall be credited to the Local
Government Fund and the Local Government Revenue Assistance Fund
as follows:

(1) In July 2005 and July 2006, no amount shall be credited
to the Local Government Fund and no amount shall be credited to
the Local Government Revenue Assistance Fund;

(2) In August 2005 and August 2006, no amount shall be
credited to the Local Government Fund or to the Local Government
Revenue Assistance Fund;

(3) In September 2005~~7~~ and September 2006, no amount shall be
credited to the Local Government Fund or to the Local Government
Revenue Assistance Fund;

(4) In October 2005 and October 2006, seventy per cent of
\$7,870,426.16 shall be credited to the Local Government Fund and
seventy per cent of \$1,124,346.59 shall be credited to the Local
Government Revenue Assistance Fund;

(5) In November 2005 and November 2006, seventy per cent of
\$1,045,731.11 shall be credited to the Local Government Fund and
seventy per cent of \$149,390.15 shall be credited to the Local
Government Revenue Assistance Fund;

(6) In December 2005 and December 2006, seventy per cent of
\$1,210,041.67 shall be credited to the Local Government Fund and
seventy per cent of \$172,863.13 shall be credited to the Local
Government Revenue Assistance Fund;

(7) In January 2006 and January 2007, no amount shall be
credited to the Local Government Fund or to the Local Government
Revenue Assistance Fund;

(8) In February 2006 and February 2007, seventy per cent of 40171
\$1,515,069.22 shall be credited to the Local Government Fund and 40172
seventy per cent of \$216,438.43 shall be credited to the Local 40173
Government Revenue Assistance Fund; 40174

(9) In March 2006 and March 2007, seventy per cent of 40175
\$7,859,958.57 shall be credited to the Local Government Fund and 40176
seventy per cent of \$1,122,851.24 shall be credited to the Local 40177
Government Revenue Assistance Fund; 40178

(10) In April 2006 and April 2007, no amount shall be 40179
credited to the Local Government Fund or to the Local Government 40180
Revenue Assistance Fund; 40181

(11) In May 2006 and May 2007, seventy per cent of 40182
\$3,300,718.22 shall be credited to the Local Government Fund and 40183
seventy per cent of \$471,531.17 shall be credited to the Local 40184
Government Revenue Assistance Fund; 40185

(12) In June 2006 and June 2007, seventy per cent of 40186
\$9,344,500.89 shall be credited to the Local Government Fund and 40187
seventy per cent of \$1,334,928.70 shall be credited to the Local 40188
Government Revenue Assistance Fund. 40189

(F) Notwithstanding the amounts required to be credited 40190
pursuant to division (C) of this section, the amount credited in 40191
June 2006 and June 2007 to the Local Government Fund and the Local 40192
Government Revenue Assistance Fund from the personal income tax 40193
shall be net of a reduction that may be required by division (I) 40194
of this section. 40195

(G) Pursuant to division (B)(3) of this section, amounts 40196
shall be credited from the personal income tax to the Library and 40197
Local Government Support Fund as follows: 40198

(1) In July 2005, one hundred per cent of the amount credited 40199
in July 2004; in July 2006, one hundred per cent of the amount 40200

credited in July 2005;	40201
(2) In August 2005, one hundred per cent of the amount	40202
credited in August 2004; in August 2006, one hundred per cent of	40203
the amount credited in August 2005;	40204
(3) In September 2005, one hundred per cent of the amount	40205
credited in September 2004; in September 2006, one hundred per	40206
cent of the amount credited in September 2005;	40207
(4) In October 2005, one hundred per cent of the amount	40208
credited in October 2004; in October 2006, one hundred per cent of	40209
the amount credited in October 2005;	40210
(5) In November 2005, one hundred per cent of the amount	40211
credited in November 2004; in November 2006, one hundred per cent	40212
of the amount credited in November 2005;	40213
(6) In December 2005, one hundred per cent of the amount	40214
credited in December 2004; in December 2006, one hundred per cent	40215
of the amount credited in December 2005;	40216
(7) In January 2006, one hundred per cent of the amount	40217
credited in January 2005; in January 2007, one hundred per cent of	40218
the amount credited in January 2006;	40219
(8) In February 2006, one hundred per cent of the amount	40220
credited in February 2005; in February 2007, one hundred per cent	40221
of the amount credited in February 2006;	40222
(9) In March 2006, one hundred per cent of the amount	40223
credited in March 2005; in March 2007, one hundred per cent of the	40224
amount credited in March 2006;	40225
(10) In April 2006, one hundred per cent of the amount	40226
credited in April 2005; in April 2007, one hundred per cent of the	40227
amount credited in April 2006;	40228
(11) In May 2006, one hundred per cent of the amount credited	40229
in May 2005; in May 2007, one hundred per cent of the amount	40230

credited in May 2006; 40231

(12) In June 2006, one hundred per cent of the amount 40232
credited in June 2005, less any reduction that may be required by 40233
division (I) of this section; in June 2007, one hundred per cent 40234
of the amount credited in June 2006, less any reduction that may 40235
be required by division (I) of this section. 40236

(H) The total amount credited to the Local Government Fund, 40237
the Local Government Revenue Assistance Fund, and the Library and 40238
Local Government Support Fund in each month during the period July 40239
2005 through June 2007 shall be distributed by the tenth day of 40240
the immediately succeeding month in the following manner: 40241

(1) Each county undivided local government fund shall receive 40242
a distribution from the Local Government Fund based on its 40243
proportionate share of the total amount received from the fund in 40244
such respective month for the period August 1, 2004, through July 40245
31, 2005. 40246

(2) Each municipal corporation receiving a direct 40247
distribution from the Local Government Fund shall receive a 40248
distribution based on its proportionate share of the total amount 40249
received from the fund in such respective month for the period 40250
August 1, 2004, through July 31, 2005. 40251

(3) Each county undivided local government revenue assistance 40252
fund shall receive a distribution from the Local Government 40253
Revenue Assistance Fund based on its proportionate share of the 40254
total amount received from the fund in such respective month for 40255
the period August 1, 2004, through July 31, 2005. 40256

(4) Each county undivided library and local government 40257
support fund shall receive a distribution from the Library and 40258
Local Government Support Fund based on its proportionate share of 40259
the total amount received from the fund in such respective month 40260
for the period August 1, 2004, through July 31, 2005. 40261

(I) The Tax Commissioner shall do each of the following: 40262

(1) By June 7, 2006, the Commissioner shall subtract the 40263
amount calculated in division (I)(1)(b) of this section from the 40264
amount calculated in division (I)(1)(a) of this section. If the 40265
amount in division (I)(1)(a) of this section is greater than the 40266
amount in division (I)(1)(b) of this section, then such difference 40267
shall be subtracted from the total amount of income tax revenue 40268
credited to the Local Government Fund, the Local Government 40269
Revenue Assistance Fund, and the Library and Local Government 40270
Support Fund in June 2006. An amount shall be subtracted from 40271
income tax revenue credited to the Local Government Fund, the 40272
Local Government Revenue Assistance Fund, or the Library and Local 40273
Government Support Fund only if, and according to the proportion 40274
by which, such fund contributed to the result that the amount in 40275
division (I)(1)(a) of this section exceeds the amount in division 40276
(I)(1)(b) of this section. 40277

(a) The sum of all money credited to the Local Government 40278
Fund, the Local Government Revenue Assistance Fund, and the 40279
Library and Local Government Support Fund from July 2005 through 40280
May 2006. The sum computed in division (I)(1)(a) of this section 40281
shall exclude any dealer in intangibles tax revenues credited to 40282
the Local Government Fund. 40283

(b) The sum of all money that would have been credited to the 40284
Local Government Fund, the Local Government Revenue Assistance 40285
Fund, and the Library and Local Government Support Fund from July 40286
2005 through May 2006, if sections 5727.45, 5727.84, 5733.12, 40287
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 40288
during this period. 40289

(2) By June 7, 2007, the Commissioner shall subtract the 40290
amount calculated in division (I)(2)(b) of this section from the 40291
amount calculated in division (I)(2)(a) of this section. If the 40292

amount in division (I)(2)(a) of this section is greater than the 40293
amount in division (I)(2)(b) of this section, then such difference 40294
shall be subtracted from the total amount of income tax revenue 40295
credited to the Local Government Fund, the Local Government 40296
Revenue Assistance Fund, and the Library and Local Government 40297
Support Fund in June 2007. An amount shall be subtracted from 40298
income tax revenue credited to the Local Government Fund, the 40299
Local Government Revenue Assistance Fund, or the Library and Local 40300
Government Support Fund only if, and according to the proportion 40301
by which, such fund contributed to the result that the amount in 40302
division (I)(2)(a) of this section exceeds the amount in division 40303
(I)(2)(b) of this section. 40304

(a) The sum of all money credited to the Local Government 40305
Fund, the Local Government Revenue Assistance Fund, and the 40306
Library and Local Government Support Fund from June 2006 through 40307
May 2007. The sum computed in division (I)(2)(a) of this section 40308
shall exclude any dealer in intangibles tax revenues credited to 40309
the Local Government Fund and shall be prior to any reduction 40310
required by division (I)(1) of this section. 40311

(b) The sum of all money that would have been credited to the 40312
Local Government Fund, the Local Government Revenue Assistance 40313
Fund, and the Library and Local Government Support Fund from June 40314
2006 through May 2007, if sections 5727.45, 5727.84, 5733.12, 40315
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 40316
during this period. 40317

(3) On the advice of the Tax Commissioner, during any month 40318
other than June 2006 or June 2007 of the period July 1, 2005, 40319
through July 31, 2007, the Director of Budget and Management may 40320
reduce the amounts that are to be otherwise credited to the Local 40321
Government Fund, Local Government Revenue Assistance Fund, or 40322
Library and Local Government Support Fund in order to accomplish 40323
more effectively the purposes of the adjustments in divisions 40324

(I)(1) and (2) of this section. If the respective calculations 40325
made in June 2006 and June 2007 pursuant to divisions (I)(1) and 40326
(2) of this section indicate that excess reductions had been made 40327
during the previous months, such excess amounts shall be credited, 40328
as appropriate, to the Local Government Fund, Local Government 40329
Revenue Assistance Fund, and Library and Local Government Support 40330
Fund. 40331

(J) For the 2005, 2006, and 2007 distribution years, the Tax 40332
Commissioner is not required to issue the certifications otherwise 40333
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 40334
the Revised Code, but shall provide to each county auditor by the 40335
twentieth day of July 2005, July 2006, and July 2007 an estimate 40336
of the amounts to be received by the county in the ensuing year 40337
from the Local Government Fund, Local Government Revenue 40338
Assistance Fund, and Library and Local Government Support Fund 40339
pursuant to this section and any pertinent section of the Revised 40340
Code. At the discretion of the Tax Commissioner, the Tax 40341
Commissioner may report to each county auditor additional revised 40342
estimates of the 2005, 2006, or 2007 distributions at any time 40343
during the period July 1, 2005, through July 31, 2007. 40344

(K) During the period July 1, 2005, through July 31, 2007, 40345
the Director of Budget and Management shall issue such directives 40346
to state agencies that are necessary to ensure that the 40347
appropriate amounts are distributed to the Local Government Fund, 40348
to the Local Government Revenue Assistance Fund, and to the 40349
Library and Local Government Support Fund. 40350

(L) No subdivision shall receive a proportionate share from 40351
the county undivided local government fund or county undivided 40352
local government revenue assistance fund during the period July 1, 40353
2005, through June 30, 2007, that is less than the proportionate 40354
share the subdivision received from that fund during the period 40355
July 1, 2004, through June 30, 2005, unless the subdivision 40356

consents to receive the lesser proportionate share. Division (L) 40357
of this section does not apply to a decrease in the proportionate 40358
share of a county as a subdivision under division (E) of section 40359
5747.53 or division (E) of section 5747.63 of the Revised Code. 40360

Sec. 612.36.03. (A) Except as otherwise provided in division 40361
divisions (B)(1) and (2) of this section, the amendments to 40362
section 3301.0711 of the Revised Code by Am. Sub. H.B. 66 of the 40363
126th General Assembly are not subject to the referendum. 40364
Therefore, under Ohio Constitution, Article II, Section 1d and 40365
section 1.471 of the Revised Code, the amendments go into 40366
immediate effect when H.B. 530 of the 126th General Assembly 40367
becomes law. 40368

(B)(1) The amendments to division (G) of section 3301.0711 of 40369
the Revised Code by Am. Sub. H.B. 66 of the 126th General Assembly 40370
are subject to the referendum. Therefore, under Ohio Constitution, 40371
Article II, Section 1c and section 1.471 of the Revised Code, the 40372
amendments take effect July 1, 2006. If, however, a referendum 40373
petition is filed against the amendments, the amendments, unless 40374
rejected at the referendum, take effect at the earliest time 40375
permitted by law that is on or after the effective date specified 40376
in this division. 40377

(B)(2) The amendments to division (N) of section 3301.0711 of 40378
the Revised Code by Am. Sub. H.B. 66 of the 126th General Assembly 40379
are not subject to the referendum. Therefore, under Ohio 40380
Constitution, Article II, Section 1d and section 1.471 of the 40381
Revised Code, the amendments go into immediate effect. 40382

Section 606.18. That existing Sections 203.09, 203.12, 40383
203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 40384
203.99.01, 203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 40385
206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 40386

206.16, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 40387
206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 40388
206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 40389
209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 40390
209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 40391
209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 40392
612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly are 40393
hereby repealed. 40394

Section 606.18.03. COMPENSATION FOR NURSING FACILITY CAPITAL 40395
COSTS 40396

The appropriation item 600-529, Capital Compensation Program, 40397
shall be used to make payments to nursing facilities and 40398
intermediate care facilities for the mentally retarded under 40399
Section 606.18.06 of this act. 40400

The unencumbered balance of appropriation item 600-529, 40401
Capital Compensation Program, at the end of fiscal year 2006 is 40402
hereby appropriated to fiscal year 2007 for use under the same 40403
appropriation item. 40404

Section 606.18.06. FISCAL YEARS 2006 AND 2007 PAYMENTS TO 40405
CERTAIN NURSING FACILITIES AND ICFs/MR 40406

(A) As used in this section: 40407

"Capital costs," "cost of ownership," and "renovation" have 40408
the same meanings as in section 5111.20 of the Revised Code as 40409
that section existed on June 30, 2005. 40410

"Change of operator" has the same meaning as in section 40411
5111.65 of the Revised Code. 40412

"ICF/MR" means an intermediate care facility for the mentally 40413
retarded. 40414

"Inpatient days," "intermediate care facility for the mentally retarded," "Medicaid day," and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code. 40415
40416
40417

"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code. 40418
40419

(B) The following qualify for per diem payments under this section: 40420
40421

(1) A nursing facility to which both of the following apply: 40422

(a) Both of the following occurred during fiscal year 2006 or 2007: 40423
40424

(i) The facility obtained certification as a nursing facility from the Director of Health. 40425
40426

(ii) The facility began participating in the Medicaid program. 40427
40428

(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 2005. 40429
40430
40431

(2) An ICF/MR to which both of the following apply: 40432

(a) Both of the following occurred during fiscal year 2006 or 2007: 40433
40434

(i) The facility obtained certification as an intermediate care facility for the mentally retarded from the Director of Health. 40435
40436
40437

(ii) The facility began participating in the Medicaid program. 40438
40439

(b) At least one of the following occurred before June 30, 2005: 40440
40441

(i) Any materials or equipment for the facility were delivered. 40442
40443

- (ii) Preparations for the physical site of the facility, 40444
including, if applicable, excavation, began. 40445
- (iii) Actual work on the facility began. 40446
- (3) A nursing facility to which all of the following apply: 40447
- (a) The nursing facility does not qualify for a payment 40448
pursuant to division (B)(1) of this section. 40449
- (b) The nursing facility, before June 30, 2007, completes a 40450
capital project for which a certificate of need was filed with the 40451
Director of Health before June 15, 2005, and for which at least 40452
one of the following occurred before July 1, 2005, or, if the 40453
capital project is undertaken to comply with rules adopted by the 40454
Public Health Council regarding resident room size or occupancy, 40455
before June 30, 2007: 40456
- (i) Any materials or equipment for the capital project were 40457
delivered; 40458
- (ii) Preparations for the physical site of the capital 40459
project, including, if applicable, excavation, began; 40460
- (iii) Actual work on the capital project began. 40461
- (c) The costs of the capital project are not fully reflected 40462
in the capital costs portion of the nursing facility's Medicaid 40463
reimbursement per diem rate on June 30, 2005. 40464
- (d) The nursing facility files a three-month projected 40465
capital cost report with the Director of Job and Family Services 40466
not later than sixty days after the later of the effective date of 40467
this section or the date the capital project is completed. 40468
- (4) An ICF/MR to which all of the following apply: 40469
- (a) The ICF/MR does not qualify for a payment pursuant to 40470
division (B)(2) of this section. 40471
- (b) The ICF/MR, before June 30, 2007, completes a capital 40472

project for which at least one of the following occurred before 40473
July 1, 2005: 40474

(i) Any materials or equipment for the capital project were 40475
delivered. 40476

(ii) Preparations for the physical site of the capital 40477
project, including, if applicable, excavation, began. 40478

(iii) Actual work on the capital project began. 40479

(c) The costs of the capital project are not fully reflected 40480
in the capital costs portion of the ICF/MR's Medicaid 40481
reimbursement per diem rate on June 30, 2005. 40482

(d) The ICF/MR files a three-month projected capital cost 40483
report with the Director of Job and Family Services not later than 40484
sixty days after the later of the effective date of this section 40485
or the date the capital project is completed. 40486

(5) A nursing facility that, before June 30, 2007, completes 40487
an activity to which all of the following apply: 40488

(a) A request was filed with the Director of Health before 40489
July 1, 2005, for a determination of whether the activity is a 40490
reviewable activity and the Director determined that the activity 40491
is not a reviewable activity. 40492

(b) At least one of the following occurred before July 1, 40493
2005, or, if the nursing facility undertakes the activity to 40494
comply with rules adopted by the Public Health Council regarding 40495
resident room size or occupancy, before June 30, 2007: 40496

(i) Any materials or equipment for the activity were 40497
delivered. 40498

(ii) Preparations for the physical site of the activity, 40499
including, if applicable, excavation, began. 40500

(iii) Actual work on the activity began. 40501

(c) The costs of the activity are not fully reflected in the 40502
capital costs portion of the nursing facility's Medicaid 40503
reimbursement per diem rate on June 30, 2005. 40504

(d) The nursing facility files a three-month projected 40505
capital cost report with the Director of Job and Family Services 40506
not later than sixty days after the later of the effective date of 40507
this section or the date the activity is completed. 40508

(6) A nursing facility or ICF/MR that, before June 30, 2007, 40509
completes a renovation to which all of the following apply: 40510

(a) The Director of Job and Family Services approved the 40511
renovation before July 1, 2005. 40512

(b) At least one of the following occurred before July 1, 40513
2005, or, if the facility undertakes the renovation to comply with 40514
rules adopted by the Public Health Council regarding resident room 40515
size or occupancy, before June 30, 2007: 40516

(i) Any materials or equipment for the renovation were 40517
delivered. 40518

(ii) Preparations for the physical site of the renovation, 40519
including, if applicable, excavation, began. 40520

(iii) Actual work on the renovation began. 40521

(c) The costs of the renovation are not fully reflected in 40522
the capital costs portion of the facility's Medicaid reimbursement 40523
per diem rate on June 30, 2005. 40524

(d) The facility files a three-month projected capital cost 40525
report with the Director of Job and Family Services not later than 40526
sixty days after the later of the effective date of this section 40527
or the date the renovation is completed. 40528

(C) If a nursing facility qualifies for per diem payments 40529
pursuant to division (B)(1) of this section for fiscal year 2006, 40530
the nursing facility's per diem payments under this section for 40531

fiscal year 2006 shall equal the difference between the capital
costs portion of nursing facility's Medicaid reimbursement per
diem rate determined under Section 206.66.22 of Am. Sub. H.B. 66
of the 126th General Assembly, as amended by this act, and the
lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the
nursing facility's cost of ownership as reported on a three-month
projected capital cost report divided by the greater of the number
of inpatient days the nursing facility is expected to have during
the period covered by the projected capital cost report or the
number of inpatient days the nursing facility would have during
that period if the nursing facility's occupancy rate was eighty
per cent.

(2) The maximum capital per diem rate in effect for fiscal
year 2005 for nursing facilities.

(D) If a nursing facility qualifies for per diem payments
pursuant to division (B)(1) of this section for fiscal year 2007,
the nursing facility's per diem payments under this section for
fiscal year 2007 shall equal the difference between the capital
costs portion of the nursing facility's Medicaid reimbursement per
diem rate determined under Section 206.66.23 of Am. Sub. H.B. 66
of the 126th General Assembly, as amended by this act, and the
lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the
nursing facility's cost of ownership as reported on a three-month
projected capital cost report divided by the greater of the number
of inpatient days the nursing facility is expected to have during
the period covered by the projected capital cost report or the
number of inpatient days the nursing facility would have during
that period if the nursing facility's occupancy rate was eighty
per cent.

(2) The maximum capital per diem rate in effect for fiscal 40563
year 2005 for nursing facilities. 40564

(E) If an ICF/MR qualifies for per diem payments pursuant to 40565
division (B)(2) of this section, the ICF/MR's per diem payments 40566
under this section shall equal the difference between the capital 40567
costs portion of the ICF/MR's Medicaid reimbursement per diem rate 40568
determined under Section 206.66.25 of Am. Sub. H.B. 66 of the 40569
126th General Assembly and the lesser of the following: 40570

(1) The ICF/MR's cost of ownership as reported on a 40571
three-month projected capital cost report divided by the greater 40572
of the number of inpatient days the ICF/MR is expected to have 40573
during the period covered by the projected capital cost report or 40574
the number of inpatient days the ICF/MR would have during that 40575
period if the ICF/MR's occupancy rate was eighty per cent. 40576

(2) The maximum capital per diem rate in effect for fiscal 40577
year 2005 for ICFs/MR. 40578

(F) The per diem payments paid for fiscal year 2006 to a 40579
nursing facility that qualifies for the payments pursuant to 40580
division (B)(3) or (5) of this section shall equal the difference 40581
between the capital costs portion of the nursing facility's 40582
Medicaid reimbursement per diem rate determined under Section 40583
206.66.22 of Am. Sub. H.B. 66 of the 126th General Assembly, as 40584
amended by this act, and the lesser of the following: 40585

(1) Eighty-eight and sixty-five hundredths per cent of the 40586
nursing facility's cost of ownership as reported on a three-month 40587
projected capital cost report divided by the greater of the number 40588
of inpatient days the nursing facility is expected to have during 40589
the period covered by the projected capital cost report or the 40590
number of inpatient days the nursing facility would have during 40591
that period if the nursing facility's occupancy rate was 40592
ninety-five per cent. 40593

(2) The maximum capital per diem rate in effect for fiscal 40594
year 2005 for nursing facilities. 40595

(G) The per diem payments paid for fiscal year 2007 to a 40596
nursing facility that qualifies for the payments pursuant to 40597
division (B)(3) or (5) of this section shall equal the difference 40598
between the capital costs portion of the nursing facility's 40599
Medicaid reimbursement per diem rate determined under Section 40600
206.66.23 of Am. Sub. H.B. 66 of the 126th General Assembly, as 40601
amended by this act, and the lesser of the following: 40602

(1) Eighty-eight and sixty-five hundredths per cent of the 40603
nursing facility's cost of ownership as reported on a three-month 40604
projected capital cost report divided by the greater of the number 40605
of inpatient days the nursing facility is expected to have during 40606
the period covered by the projected capital cost report or the 40607
number of inpatient days the nursing facility would have during 40608
that period if the nursing facility's occupancy rate was 40609
ninety-five per cent. 40610

(2) The maximum capital per diem rate in effect for fiscal 40611
year 2005 for nursing facilities. 40612

(H) The per diem payments paid to an ICF/MR that qualifies 40613
for the payments pursuant to division (B)(4) of this section shall 40614
equal the difference between the capital costs portion of the 40615
ICF/MR's Medicaid reimbursement per diem rate determined under 40616
Section 206.66.25 of Am. Sub. H.B. 66 of the 126th General 40617
Assembly and the lesser of the following: 40618

(1) The ICF/MR's cost of ownership as reported on a 40619
three-month projected capital cost report divided by the greater 40620
of the number of inpatient days the ICF/MR is expected to have 40621
during the period covered by the projected capital cost report or 40622
the number of inpatient days the ICF/MR would have during that 40623
period if the ICF/MR's occupancy rate was ninety-five per cent. 40624

(2) The maximum capital per diem rate in effect for fiscal 40625
year 2005 for ICFs/MR. 40626

(I) The per diem payments paid to a nursing facility that 40627
qualifies for the payments pursuant to division (B)(6) of this 40628
section shall equal eighty-five per cent of the nursing facility's 40629
cost of ownership for the renovation as reported on a three-month 40630
projected capital cost report divided by the greater of the number 40631
of inpatient days the nursing facility is expected to have during 40632
the period covered by the projected capital cost report or the 40633
number of inpatient days the nursing facility would have during 40634
that period if the nursing facility's occupancy rate was 40635
ninety-five per cent. 40636

(J) The per diem payments paid to an ICF/MR that qualifies 40637
for the payments pursuant to division (B)(6) of this section shall 40638
equal the ICF/MR's cost of ownership for the renovation as 40639
reported on a three-month projected capital cost report divided by 40640
the greater of the number of inpatient days the ICF/MR is expected 40641
to have during the period covered by the projected capital cost 40642
report or the number of inpatient days the ICF/MR would have 40643
during that period if the ICF/MR's occupancy rate was ninety-five 40644
per cent. 40645

(K) All of the following apply to the per diem payments made 40646
under this section: 40647

(1) No payment shall be made to a nursing facility or ICF/MR 40648
before the following: 40649

(a) In the case of a nursing facility or ICF/MR that 40650
qualifies for the payments pursuant to division (B)(1) or (2) of 40651
this section, the later of January 1, 2006, or the date the 40652
nursing facility or ICF/MR begins to participate in the Medicaid 40653
program; 40654

(b) In the case of a nursing facility or ICF/MR that 40655

qualifies for the payments pursuant to division (B)(3), (4), (5), 40656
or (6) of this section, the later of January 1, 2006, or the date 40657
the capital project, activity, or renovation is placed into 40658
service. 40659

(2) The payments shall cease at the earlier of the following: 40660

(a) June 30, 2007; 40661

(b) The date that the total amount of the payments equals ten 40662
million dollars. 40663

(3) The payments made for the last quarter that the payments 40664
are made may be reduced proportionately as necessary to avoid 40665
spending more than ten million dollars under this section. 40666

(4) Except as provided by division (K)(5) of this section, 40667
the per diem payments shall be made quarterly by multiplying the 40668
per diem determined for a nursing facility or ICF/MR by the number 40669
of Medicaid days the facility has for the quarter the payment is 40670
made. 40671

(5) Any per diem payments to be made to a nursing facility or 40672
ICF/MR for a quarter before May 2006 shall be made together as 40673
soon as the Director of Job and Family Services knows the number 40674
of Medicaid days the facility has during the quarter for which the 40675
payments are made. 40676

(6) A change of operator shall not cause the payments to a 40677
nursing facility or ICF/MR to cease. 40678

(7) The payments shall only be made to a nursing facility or 40679
ICF/MR for the quarters during fiscal years 2006 and 2007 for 40680
which the facility has a valid Medicaid provider agreement. 40681

(8) The payments shall be in addition to a nursing facility 40682
or ICF/MR's Medicaid reimbursement per diem rate calculated under 40683
Section 206.66.22, 206.66.23, or 206.66.25 of Am. Sub. H.B. 66 of 40684
the 126th General Assembly, as, in the case of Sections 206.66.22 40685

and 206.66.23, amended by this act. 40686

(L) The Director of Job and Family Services shall monitor, on 40687
a quarterly basis, the per diem payments made to nursing 40688
facilities and ICFs/MR under this section to ensure that no more 40689
than a total of ten million dollars is spent under this section. 40690

(M) The determinations that the Director of Job and Family 40691
Services makes under this section are not subject to appeal under 40692
Chapter 119. of the Revised Code. 40693

(N) The Director of Job and Family Services may adopt rules 40694
in accordance with Chapter 119. of the Revised Code as necessary 40695
to implement this section. The Director's failure to adopt the 40696
rules does not affect the requirement that the per diem payments 40697
be made under this section. 40698

Section 606.23. That Sections 19.01, 20.01, 23.12, and 23.45 40699
of Am. Sub. H.B. 16 of the 126th General Assembly, as amended by 40700
Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read 40701
as follows: 40702

Sec. 19.01. All items set forth in this section are hereby 40703
appropriated out of any moneys in the state treasury to the credit 40704
of the Cultural and Sports Facilities Building Fund (Fund 030) 40705
that are not otherwise appropriated. 40706

Appropriations

AFC CULTURAL FACILITIES COMMISSION			40707
CAP-010	Sandusky State Theatre Improvements	\$ 325,000	40708
CAP-013	Stambaugh Hall Improvements	\$ 250,000	40709
CAP-033	Woodward Opera House Renovation	\$ 100,000	40710
CAP-038	Center Exhibit Replacement	\$ 816,000	40711
CAP-043	Statewide Site Repairs	\$ 100,000	40712
CAP-044	National Underground Railroad Freedom Center	\$ 4,150,000	40713

CAP-046	Cincinnati Museum Center Improvements	\$	250,000	40714
CAP-052	Akron Art Museum	\$	1,012,500	40715
CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$	250,000	40716
CAP-065	Beck Center for the Cultural Arts	\$	100,000	40717
CAP-069	Cleveland Institute of Art	\$	250,000	40718
CAP-071	Cleveland Institute of Music	\$	750,000	40719
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	40720
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	40721
CAP-745	Emergency Repairs	\$	838,560	40722
CAP-769	Rankin House State Memorial	\$	192,000	40723
CAP-781	Archives and Library Automation	\$	624,000	40724
CAP-784	Center Rehabilitation	\$	960,000	40725
CAP-806	Grant Boyhood Home Improvements	\$	480,000	40726
CAP-812	Schuster Arts Center	\$	5,500,000	40727
CAP-823	Marion Palace Theatre	\$	750,000	40728
CAP-826	Renaissance Theatre	\$	750,000	40729
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	40730
CAP-835	Jamestown Opera House	\$	125,000	40731
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	40732
CAP-845	Lima Historic Athletic Field	\$	100,000	40733
CAP-846	Butler Palace Theatre	\$	200,000	40734
CAP-847	Voice of America Museum	\$	275,000	40735
CAP-848	Oxford Arts Center ADA Project	\$	72,000	40736
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	40737
CAP-850	Westcott House Historic Site	\$	75,000	40738
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	40739
CAP-852	Miami Township Community Amphitheatre	\$	50,000	40740
CAP-853	Western Reserve Historical Society	\$	1,000,000	40741

CAP-854	Steamship Mather Museum	\$	100,000	40742
CAP-855	Rock and Roll Hall of Fame	\$	250,000	40743
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	40744
CAP-857	Merrick House Historic Site	\$	250,000	40745
CAP-858	Strongsville Historic Building	\$	100,000	40746
CAP-859	Arts Castle	\$	100,000	40747
CAP-860	Great Lakes Historical Society	\$	325,000	40748
CAP-861	Ohio Glass Museum	\$	250,000	40749
CAP-862	Goll Wood Homestead	\$	50,000	40750
CAP-863	Ariel Theatre	\$	100,000	40751
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	40752
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	40753
CAP-867	Ensemble Theatre	\$	450,000	40754
CAP-868	Taft Museum	\$	500,000	40755
CAP-869	Art Academy of Cincinnati	\$	100,000	40756
CAP-870	Riverbend Pavilion Improvements	\$	250,000	40757
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	40758
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	40759
CAP-873	John Bloomfield Home Restoration	\$	115,000	40760
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	40761
CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	40762
CAP-876	Art Deco Markay Theater	\$	200,000	40763
CAP-877	Harvey Wells House	\$	100,000	40764
CAP-878	Bryn Du	\$	250,000	40765
CAP-879	Broad Street Historical Renovation	\$	300,000	40766
CAP-880	Amherst Historical Society	\$	35,000	40767
CAP-881	COSI - Toledo	\$	1,900,000	40768
CAP-882	Ohio Theatre - Toledo	\$	100,000	40769

CAP-883	Chester Academy Historic Site Renovations	\$	25,000	40770
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	40771
CAP-885	Montgomery County Historical Society Archives	\$	100,000	40772
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	40773
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	40774
CAP-888	Preble County Historical Society	\$	100,000	40775
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	40776
CAP-890	Pro Football Hall of Fame	\$	400,000	40777
CAP-891	MAPS Air Museum	\$	15,000	40778
CAP-892	Foundation Community Theatre	\$	50,000	40779
CAP-893	William McKinley Library Restoration	\$	250,000	40780
CAP-894	Hale Farm & Village	\$	250,000	40781
CAP-896	Richard Howe House	\$	100,000	40782
CAP-897	Ward-Thomas Museum	\$	30,000	40783
CAP-898	Packard Music Hall Renovation Project	\$	100,000	40784
			<u>1,075,000</u>	
CAP-899	Holland Theatre	\$	100,000	40785
CAP-900	Van Wert Historical Society	\$	32,000	40786
CAP-901	Warren County Historical Society	\$	225,000	40787
CAP-902	Marietta Colony Theatre	\$	335,000	40788
CAP-903	West Salem Village Opera House	\$	92,000	40789
CAP-904	Beavercreek Community Theater	\$	100,000	40790
CAP-905	Smith Orr Homestead	\$	100,000	40791
Total Cultural Facilities Commission		\$	41,165,060	40792
			<u>41,340,060</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	41,165,060	40793
			<u>41,340,060</u>	

Sec. 20.01. All items set forth in this section are hereby 40795
appropriated out of any moneys in the state treasury to the credit 40796
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 40797
not otherwise appropriated. 40798

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			40799
STATEWIDE AND LOCAL PROJECTS			40800
CAP-012	Land Acquisition	\$ 750,000	40801
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$ 25,000	40802
CAP-060	East Fork State Park Renovation	\$ 50,000	40803
CAP-068	Kennedy Stone House	\$ 15,000	40804
CAP-080	Atwood Lake Conservancy District	\$ 75,000	40805
CAP-083	John Bryan State Park Shelter Construction	\$ 30,000	40806
CAP-084	Findley State Park General Improvements	\$ 12,500	40807
CAP-086	Scippo Creek Conservation	\$ 75,000	40808
CAP-087	Belpre City Swimming Pool	\$ 125,000	40809
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$ 25,000	40810
CAP-748	Local Parks Projects - Statewide	\$ 2,511,079	40811
		<u>2,561,079</u>	40812
CAP-753	Project Planning	\$ 1,144,316	40813
CAP-881	Dam Rehabilitation	\$ 5,000,000	40814
CAP-931	Wastewater/Water Systems Upgrades	\$ 2,900,000	40815
Total Statewide and Local Projects		\$ 12,737,895	40816
		<u>12,787,895</u>	
Total Department of Natural Resources		\$ 12,737,895	40817
		<u>12,787,895</u>	40818
TOTAL Ohio Parks and Natural Resources Fund		\$ 12,737,895	40819
		<u>12,787,895</u>	40820
<u>GOLL WOOD HOMESTEAD</u>			40821
<u>Of the foregoing appropriation item CAP-748, Local Parks</u>			40822
<u>Projects - Statewide, \$50,000 shall be used for the Goll Wood</u>			40823
<u>Homestead.</u>			40824

Sec. 23.12. CLS CLEVELAND STATE UNIVERSITY			40825
CAP-023	Basic Renovations	\$ 3,267,875	40826
<u>CAP-084</u>	<u>Neighborhood Centers Renovations</u>	\$ <u>500,000</u>	40827
CAP-125	College of Education Building	\$ 8,057,262	40828
<u>CAP-148</u>	<u>Cleveland Institute of Art</u>	\$ <u>1,000,000</u>	40829
CAP-152	Rhodes Tower-Data Center Relocation	\$ 1,000,000	40830
CAP-153	University Annex-Vacation and Demolition	\$ 49,390	40831
CAP-154	Main Classroom Stair Tower & Entry	\$ 1,500,000	40832
CAP-155	Cleveland Playhouse	\$ 250,000	40833
CAP-156	Physical Education Building	\$ 1,000,000	40834
	Rehabilitation		
Total Cleveland State University		\$ <u>15,124,527</u>	40835
		<u>16,624,527</u>	
<u>NEIGHBORHOOD CENTERS RENOVATIONS</u>			40836
	<u>Of the foregoing appropriation item CAP-084, Neighborhood</u>		40837
	<u>Centers Renovations, \$250,000 shall be used for renovations to the</u>		40838
	<u>Friendly Inn Settlement House and \$250,000 shall be used for</u>		40839
	<u>renovations to the Merrick House.</u>		40840
Sec. 23.45. STC STARK TECHNICAL COLLEGE			40841
CAP-004	Basic Renovations	\$ 438,295	40842
CAP-035	Business Technologies Addition	\$ 1,378,892	40843
	Rehabilitation		
CAP-037	Fuel Cell Initiative	\$ 250,000	40844
Total Stark Technical College		\$ 2,067,187	40845
Total Board of Regents and State			40846
Institutions of Higher Education		\$ 490,956,498	40847
		<u>492,456,498</u>	
TOTAL Higher Education Improvement Fund		\$ 492,883,536	40848
		<u>492,456,498</u>	
Section 606.24. That existing Sections 19.01, 20.01, 23.12,			40850

and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as 40851
amended by Am. Sub. H.B. 66 of the 126th General Assembly, are 40852
hereby repealed. 40853

Section 606.29. That Sections 203.06.06 and 203.06.24 of Am. 40854
Sub. H.B. 68 of the 126th General Assembly, as amended by Am. Sub. 40855
H.B. 66 of the 126th General Assembly, be amended to read as 40856
follows: 40857

Sec. 203.06.06. ENFORCEMENT 40858

State Highway Safety Fund Group				40859
036 764-033 Minor Capital Projects	\$	1,250,000	\$ 1,250,000	40860
036 764-321 Operating Expense - Highway Patrol	\$	229,293,561	\$ 237,364,988	40861
036 764-605 Motor Carrier Enforcement Expenses	\$	2,643,022	\$ 2,670,911	40862
5AY 764-688 Traffic Safety Operating	\$	3,082,962	\$ 1,999,437	40863
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	40864
83F 764-657 Law Enforcement Automated Data System	\$	7,324,524	\$ 7,544,260	40865
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	40866
<u>83J 764-693 Highway Patrol Justice Contraband</u>	\$	<u>2,100,000</u>	\$ <u>2,100,000</u>	40867
<u>83T 764-694 Highway Patrol Treasury Contraband</u>	\$	<u>21,000</u>	\$ <u>21,000</u>	40868
831 764-610 Patrol - Federal	\$	2,430,950	\$ 2,455,484	40869
831 764-659 Transportation Enforcement - Federal	\$	4,880,671	\$ 5,027,091	40870
837 764-602 Turnpike Policing	\$	9,942,621	\$ 10,240,900	40871
838 764-606 Patrol Reimbursement	\$	222,108	\$ 222,108	40872

840 764-607	State Fair Security	\$	1,496,283	\$	1,496,283	40873
840 764-617	Security and Investigations	\$	8,145,192	\$	8,145,192	40874
840 764-626	State Fairgrounds Police Force	\$	788,375	\$	788,375	40875
841 764-603	Salvage and Exchange - Highway Patrol	\$	1,305,954	\$	1,339,399	40876
TOTAL HSF State Highway Safety						40877
Fund Group		\$	274,250,044	\$	281,988,249	40878
			<u>276,371,044</u>		<u>284,109,249</u>	
General Services Fund Group						40879
4S2 764-660	MARCS Maintenance	\$	252,432	\$	262,186	40880
TOTAL GSF General Services						40881
Fund Group		\$	252,432	\$	262,186	40882
Federal Special Revenue Fund Group						40883
3BF 764-692	Federal Contraband, Forfeiture, and Other	\$	1,942,040	\$	1,942,040	40884
TOTAL FED Federal Special Revenue		\$	1,942,040	\$	1,942,040	40885
Fund Group						
TOTAL ALL BUDGET FUND GROUPS -						40886
Enforcement		\$	276,444,516	\$	284,192,475	40887
			<u>276,623,476</u>		<u>284,371,435</u>	
CASH TRANSFER TO HIGHWAY PATROL FEDERAL CONTRABAND,						40888
FORFEITURE, AND OTHER FUND (FUND 3BF)						40889
On July 1, 2005, or as soon thereafter as possible,						40890
notwithstanding any other provision of law to the contrary, the						40891
Director of Budget and Management shall transfer \$1,942,040 in						40892
cash from the Highway Patrol State Contraband, Forfeiture, and						40893
Other Fund (Fund 83C) in the State Highway Safety Fund Group to						40894
the Highway Patrol Federal Contraband, Forfeiture, and Other Fund						40895
(Fund 3BF) in the Federal Special Revenue Fund Group.						40896

CASH TRANSFERS FROM THE HIGHWAY PATROL FEDERAL CONTRABAND, 40897
FORFEITURE, AND OTHER FUND (FUND 3BF) 40898

On the effective date of this section, or as soon as 40899
practicable thereafter, the Director of Public Safety and the 40900
Director of Budget and Management shall do all of the following: 40901

(A) The Director of Public Safety shall certify to the 40902
Director of Budget and Management the amount of the cash balance 40903
credited to the Highway Patrol Federal Contraband, Forfeiture, and 40904
Other Fund (Fund 3BF) that consists of proceeds received by the 40905
State Highway Patrol from the United States Department of Justice 40906
pursuant to federal law from a sale of forfeited contraband, 40907
proceeds from another disposition of forfeited contraband, or 40908
forfeited contraband moneys, and any related investment or other 40909
earnings, and the Director of Budget and Management shall transfer 40910
that certified amount in cash to the credit of the Highway Patrol 40911
Justice Contraband Fund (Fund 83J); 40912

(B) The Director of Public Safety shall certify to the 40913
Director of Budget and Management the amount of the cash balance 40914
credited to the Highway Patrol Federal Contraband, Forfeiture, and 40915
Other Fund (Fund 3BF) that consists of proceeds received by the 40916
State Highway Patrol from the United States Department of Treasury 40917
pursuant to federal law from a sale of forfeited contraband, 40918
proceeds from another disposition of forfeited contraband, or 40919
forfeited contraband moneys, and any related investment or other 40920
earnings, and the Director of Budget and Management shall transfer 40921
that certified amount in cash to the credit of the Highway Patrol 40922
Treasury Contraband Fund (Fund 83T). 40923

Upon completion of the cash transfers specified in divisions 40924
(A) and (B) of this section, the Highway Patrol Federal 40925
Contraband, Forfeiture, and Other Fund is abolished. The Director 40926
of Budget and Management shall cancel any existing encumbrances 40927

against appropriation item 764-692, Federal Contraband, 40928
Forfeiture, and Other, and re-establish them against appropriation 40929
items 764-693, Highway Patrol Justice Contraband, and 764-694, 40930
Highway Patrol Treasury Contraband, as appropriate, for the same 40931
purpose and to the same vendor. As determined by the Director, the 40932
appropriation authority necessary to re-establish those 40933
encumbrances is hereby authorized. 40934

COLLECTIVE BARGAINING INCREASES 40935

Notwithstanding division (D) of section 127.14 and division 40936
(B) of section 131.35 of the Revised Code, except for the General 40937
Revenue Fund, the Controlling Board may, upon the request of 40938
either the Director of Budget and Management, or the Department of 40939
Public Safety with the approval of the Director of Budget and 40940
Management, increase appropriations for any fund, as necessary for 40941
the Department of Public Safety, to assist in paying the costs of 40942
increases in employee compensation that have occurred pursuant to 40943
collective bargaining agreements under Chapter 4117. of the 40944
Revised Code and, for exempt employees, under section 124.152 of 40945
the Revised Code. 40946

Sec. 203.06.24. REVENUE DISTRIBUTION 40947

Holding Account Redistribution Fund Group 40948

R24 762-619 Unidentified Public \$ 1,885,000 \$ 1,885,000 40949

Safety Receipts

R52 762-623 Security Deposits \$ 250,000 \$ 250,000 40950

TOTAL 090 Holding Account 40951

Redistribution Fund Group \$ 2,135,000 \$ 2,135,000 40952

TOTAL ALL BUDGET FUND GROUPS - 40953

Revenue Distribution \$ 2,135,000 \$ 2,135,000 40954

TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE 40955

REFUND FUND 40956

On July 1, 2005, or as soon as possible thereafter, the 40957
 Director of Budget and Management shall transfer the cash balance 40958
 in the Highway Patrol Fee Refund Fund (Fund R27) created in former 40959
 section 4501.12 of the Revised Code to the Unidentified Public 40960
 Safety Receipts Fund (Fund R24). 40961

TOTAL Department of Public Safety			40962
TOTAL HSF State Highway Safety			40963
Fund Group	\$ 459,009,425	\$ 464,841,856	40964
	<u>461,130,425</u>	<u>466,962,856</u>	
TOTAL SSR State Special Revenue			40965
Fund Group	\$ 3,634,144	\$ 3,634,144	40966
TOTAL LCF Liquor Control			40967
Fund Group	\$ 10,120,365	\$ 10,423,976	40968
TOTAL GSF General Services			40969
Fund Group	\$ 752,432	\$ 762,186	40970
TOTAL FED Federal Special Revenue			40971
Fund Group	\$ 168,045,804	\$ 168,056,664	40972
	<u>166,103,764</u>	<u>166,114,624</u>	
TOTAL AGY Agency Fund Group	\$ 100,000	\$ 100,000	40973
TOTAL 090 Holding Account			40974
Redistribution			
Fund Group	\$ 2,135,000	\$ 2,135,000	40975
TOTAL ALL BUDGET FUND GROUPS	\$ 643,797,170	\$ 649,953,826	40976
	<u>643,976,130</u>	<u>650,132,786</u>	

Section 606.30. That existing Sections 203.06.06 and 40978
 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as 40979
 amended by Am. Sub. H.B. 66 of the 126th General Assembly, are 40980
 hereby repealed. 40981

Section 609.05. That Sections 23 and 23.01 of Am. Sub. S.B. 40982
 189 of the 125th General Assembly be amended to read as follows: 40983

Sec. 23. All items set forth in this section are hereby 40984
appropriated out of any moneys in the state treasury to the credit 40985
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 40986
not otherwise appropriated: 40987

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 40988

STATEWIDE AND LOCAL PROJECTS 40989

CAP-012	Land Acquisition	\$	958,039	40990
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294	40991
CAP-703	Cap Abandoned Water Wells	\$	189,482	40992
CAP-748	Local Parks Projects - Statewide	\$	3,406,183	40993
CAP-751	City of Portsmouth Launch Ramp	\$	15,989	40994
CAP-753	Project Planning	\$	118,360	40995
CAP-766	South Fork Licking Watershed Study	\$	600	40996
CAP-768	Grand River Wildlife Area	\$	2,700	40997
CAP-788	Community Recreation Projects	\$	60,000	40998
CAP-799	Village of Nelville Boat Ramp	\$	140,727	40999
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700	41000
CAP-814	North of Rush Run Wildlife Area	\$	200	41001
CAP-834	Appraisal Fees - Statewide	\$	77,265	41002
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	41003
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	41004
CAP-881	Dam Rehabilitation	\$	14,998,701	41005
CAP-900	City of Huron Docks	\$	46,786	41006
CAP-928	Handicapped Accessibility	\$	743,285	41007
CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857	41008
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572	41009
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481	41010
CAP-934	Operations Facilities Development	\$	1,486,438	41011
CAP-963	Fairpoint Harbor Port Authority	\$	103,293	41012
CAP-995	Boundary Protection	\$	32,426	41013
CAP-999	Geographic Information Management System	\$	779,501	41014

Total Statewide and Local Projects	\$	35,513,663	41015
DIVISION OF CIVILIAN CONSERVATION			41016
CAP-750 Quilter CCC Camp	\$	900	41017
CAP-817 Riffe CCC Camp	\$	1,309	41018
CAP-835 Civilian Conservation Facilities	\$	1,847,074	41019
Total Division of Civilian Conservation	\$	1,849,283	41020
DIVISION OF FORESTRY			41021
CAP-021 Mohican State Forest	\$	1,200	41022
CAP-030 Shawnee State Forest	\$	1,300	41023
CAP-073 Brush Creek State Forest	\$	5,850	41024
CAP-146 Zaleski State Forest	\$	200	41025
CAP-213 Shade River State Forest	\$	200	41026
CAP-841 Operations and Maintenance Facility Development and Renovation	\$	1,489,212	41027
CAP-977 Fernwood State Forest	\$	7,181	41028
Total Division of Forestry	\$	1,505,143	41029
DIVISION OF MINERAL RESOURCES MANAGEMENT			41030
CAP-867 Reclamation Facilities Renovation and Development	\$	19,500	41031
Total Division of Mineral Resources Management	\$	19,500	41032
DIVISION OF NATURAL AREAS AND PRESERVES			41033
CAP-006 Little Beaver Creek Nature Preserve	\$	1,500	41034
CAP-826 Natural Areas and Preserves Maintenance/Facility Development	\$	788,056	41035
CAP-831 Lake Katherine	\$	17,699	41036
CAP-870 Little Miami Scenic River	\$	4,800	41037
Total Division of Natural Areas	\$	812,055	41038
DIVISION OF PARKS AND RECREATION			41039
CAP-003 Barkcamp State Park	\$	3,025	41040
CAP-005 Cowan Lake State Park	\$	34,684	41041
CAP-010 East Harbor State Park	\$	41,329	41042
CAP-016 Hueston Woods State Park	\$	2,500	41043
CAP-017 Indian Lake State Park	\$	2,319	41044

CAP-018	Kelleys Island State Park	\$	5,700	41045
CAP-019	Lake Hope State Park	\$	500	41046
CAP-025	Punderson Lake State Park	\$	8,997	41047
CAP-026	Pymatuning State Park	\$	2,650	41048
CAP-032	West Branch State Park	\$	6,243	41049
CAP-037	Kiser Lake State Park	\$	10,616	41050
CAP-051	Buck Creek State Park	\$	500	41051
CAP-052	Buckeye Lake State Park	\$	74,746	41052
CAP-060	East Fork State Park	\$	1,709	41053
CAP-064	Geneva State Park	\$	750	41054
CAP-069	Hocking Hills State Park	\$	472	41055
CAP-089	Mosquito Lake State Park	\$	2,789 27,789	41056
CAP-093	Portage Lakes State Park	\$	44,676	41057
CAP-114	Beaver Creek State Park	\$	12,000	41058
CAP-119	Forked Run State Park	\$	5,123	41059
CAP-169	Lake White State Park	\$	3,100	41060
CAP-222	Wolf Run State Park	\$	205,787	41061
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369	41062
CAP-305	Maumee Bay State Park	\$	900	41063
CAP-331	Park Boating Facilities	\$	5,411,873	41064
CAP-390	State Park Maintenance/Facility Development	\$	1,803,182	41065
CAP-718	Grand Lake St. Marys State Park	\$	7,490	41066
CAP-719	Indian Lake State Park	\$	7,610	41067
CAP-758	Muskingum River Parkway Lock #7	\$	1,146	41068
CAP-795	Headlands Beach State Park	\$	25,160	41069
CAP-815	Mary Jane Thurston State Park	\$	4,700	41070
CAP-825	Marblehead Lighthouse State Park	\$	1,233	41071
CAP-829	Sycamore State Park	\$	500	41072
CAP-836	State Park Renovations/Upgrading	\$	3,254,137	41073
CAP-851	Cleveland Lakefront	\$	47,051	41074
CAP-916	Lake Milton State Park	\$	46,509	41075

Total Division of Parks and Recreation	\$	14,513,075	41076
		<u>14,538,075</u>	
DIVISION OF SOIL AND WATER CONSERVATION			41077
CAP-810 New Facilities at Farm Science Review	\$	500	41078
Total Division of Soil and Water Conservation	\$	500	41079
DIVISION OF WATER			41080
CAP-705 Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222	41081
CAP-730 Miami and Erie Canal	\$	700	41082
CAP-819 Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266	41083
CAP-820 Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	41084
CAP-822 Flood Hazard Information Studies	\$	5,518	41085
CAP-848 Hazardous Dam Repair - Statewide	\$	267,000	41086
Total Division of Water	\$	4,858,102	41087
TOTAL Department of Natural Resources	\$	59,071,321	41088
		<u>59,096,321</u>	
TOTAL Ohio Parks and Natural Resources Fund	\$	59,071,321	41089
		<u>59,096,321</u>	

Sec. 23.01. LAND ACQUISITION

41091

Of the foregoing appropriation item CAP-012, Land
Acquisition, \$300,000 shall be used by the City of Mentor to
purchase property for the Mentor Marsh.

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MOSQUITO LAKE STATE PARK

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The amount reappropriated for the foregoing appropriation
item CAP-089, Mosquito Lake State Park, is the unencumbered and
unallotted balance as of June 30, 2004, in appropriation item
CAP-089, Mosquito Lake State Park, plus \$25,000. Of the foregoing
appropriation item CAP-089, Mosquito Lake State Park, up to
\$25,000 shall be used to conduct a state lodge feasibility study.

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MIAMI AND ERIE CANAL IMPROVEMENTS 41102

Of the foregoing appropriation item CAP-705, Rehabilitate 41103
Canals, Hydraulic Works, and Support Facilities, at least 41104
\$1,250,000 shall be used for Miami and Erie Canal improvements. 41105

LOCAL PARKS PROJECTS - STATEWIDE 41106

The amount reappropriated for the foregoing appropriation 41107
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus 41108
the unencumbered and unallotted balance as of June 30, 2004, in 41109
item CAP-748, Local Parks Projects - Statewide. The \$840,879 41110
represents amounts that were previously appropriated, allocated to 41111
counties pursuant to division (D) of section 1557.06 of the 41112
Revised Code, and encumbered for local project grants. The 41113
encumbrances for these local projects in the various counties 41114
shall be canceled by the Director of Natural Resources or the 41115
Director of Budget and Management. The Director of Natural 41116
Resources shall allocate the \$840,879 to the same counties the 41117
moneys were originally allocated to, in the amount of the canceled 41118
encumbrances. 41119

DAM REHABILITATION 41120

Of the foregoing appropriation item CAP-881, Dam 41121
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the 41122
Muskingum River Locks and Dams. 41123

Section 609.06. That existing Sections 23 and 23.01 of Am. 41124
Sub. S.B. 189 of the 125th General Assembly are hereby repealed. 41125

Section 609.11. That Section 22 of Am. Sub. S.B. 189 of the 41126
125th General Assembly, as most recently amended by Am. Sub. H.B. 41127
66 of the 126th General Assembly, be amended to read as follows: 41128

Sec. 22. All items set forth in this section are hereby 41129

appropriated out of any moneys in the state treasury to the credit 41130
of the Cultural and Sports Facilities Building Fund (Fund 030) 41131
that are not otherwise appropriated: 41132

Reappropriations

AFC CULTURAL FACILITIES COMMISSION

				41133
CAP-003	Center of Science and Industry - Toledo	\$	12,268	41134
CAP-004	Valentine Theatre	\$	1,111	41135
CAP-005	Center of Science and Industry - Columbus	\$	181,636	41136
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000	41137
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232	41138
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395	41139
CAP-033	Woodward Opera House Renovation	\$	1,050,000	41140
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	41141
CAP-038	Center Exhibit Replacement	\$	750,000	41142
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	41143
CAP-043	Statewide Site Repairs	\$	454,000	41144
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	41145
CAP-052	Akron Art Museum	\$	6,634,666	41146
CAP-053	Powers Auditorium Improvements	\$	200,000	41147
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	41148
CAP-057	Comprehensive Master Plan	\$	180,000	41149
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	41150
CAP-061	Statewide Arts Facilities Planning	\$	35,931	41151
CAP-063	Robins Theatre Renovations	\$	1,000,000	41152
CAP-064	Bramley Historic House	\$	75,000	41153
CAP-066	Delaware County Cultural Arts Center	\$	40,000	41154
CAP-068	Perry County Historical Society	\$	100,000	41155
CAP-069	Cleveland Institute of Art	\$	750,000	41156

CAP-071	Cleveland Institute of Music	\$	750,000	41157
CAP-072	West Side Arts Consortium	\$	138,000	41158
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	41159
CAP-075	McKinley Museum Improvements	\$	125,000	41160
CAP-076	Spring Hill Historic Home	\$	125,000	41161
CAP-077	Western Reserve Ballet Improvements	\$	100,000	41162
CAP-078	Midland Theatre	\$	175,000	41163
CAP-079	Lorain Palace Civic Theatre	\$	200,000	41164
CAP-080	Great Lakes Historical Society	\$	150,000	41165
CAP-734	Hayes Presidential Center	\$	75,000	41166
CAP-745	Historic Sites and Museums	\$	750,000	41167
CAP-753	Buffington Island State Memorial	\$	91,500	41168
CAP-770	Serpent Mound State Memorial	\$	295,000	41169
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	41170
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	41171
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	41172
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	41173
CAP-796	Moundbuilders State Memorial	\$	530,000	41174
CAP-806	Grant Boyhood Home Improvements	\$	68,333	41175
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	41176
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	41177
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	41178
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	41179
CAP-821	Lorain County Historical Society	\$	300,000	41180
CAP-822	Madison County Historic Schoolhouse <u>Armory Youth Center</u>	\$	40,000	41181
CAP-823	Marion Palace Theatre	\$	825,000	41182
CAP-824	McConnellsville Opera House	\$	75,000	41183
CAP-825	Secrest Auditorium	\$	75,000	41184
CAP-826	Renaissance Theatre	\$	50,000	41185

CAP-827	Trumpet in the Land	\$	100,000	41186
CAP-829	Mid Ohio Valley Players	\$	80,000	41187
CAP-830	The Anchorage	\$	50,000	41188
CAP-831	Wayne County Historical Society	\$	300,000	41189
CAP-833	Promont House Museum	\$	200,000	41190
CAP-837	Lake County Historical Society	\$	250,000	41191
CAP-839	Hancock Historical Society	\$	75,000	41192
CAP-840	Riversouth Development	\$	1,000,000	41193
CAP-841	Ft. Piqua Hotel	\$	200,000	41194
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	41195
	Total Cultural Facilities Commission	\$	34,370,114	41196
			<u>32,620,114</u>	
	TOTAL CULTURAL <u>Cultural</u> and Sports Facilities	\$	34,370,114	41197
	Building Fund		<u>32,620,114</u>	
	COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT			41198
	CONTRACTS			41199
	Notwithstanding division (A) of section 3383.07 of the			41200
	Revised Code, the Ohio Cultural Facilities Commission, with			41201
	respect to the foregoing appropriation item CAP-005, Center of			41202
	Science and Industry - Columbus, may administer all or part of			41203
	capital facilities project contracts involving exhibit fabrication			41204
	and installation as determined by the Department of Administrative			41205
	Services, the Center of Science and Industry - Columbus, and the			41206
	Ohio Cultural Facilities Commission in review of the project			41207
	plans. The Ohio Cultural Facilities Commission shall enter into a			41208
	contract with the Center of Science and Industry - Columbus to			41209
	administer the exhibit fabrication and installation contracts and			41210
	such contracts are not subject to Chapter 123. or 153. of the			41211
	Revised Code.			41212
	SPORTS FACILITIES IMPROVEMENTS - AKRON			41213
	The amount reappropriated to the Cultural and Sports			41214
	Facilities Building Fund (Fund 030), CAP-024, Sports Facilities			41215

Improvements - Akron, is the unallotted and unencumbered balance	41216
in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports	41217
Facilities Improvements - Akron.	41218
REDS HALL OF FAME	41219
The amount reappropriated to the Cultural and Sports	41220
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame,	41221
is the unallotted and unencumbered balance in the Sports	41222
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame.	41223
AKRON ART MUSEUM	41224
The amount reappropriated for the foregoing appropriation	41225
item CAP-052, Akron Art Museum, is the unencumbered and unallotted	41226
balance as of June 30, 2004, in appropriation item CAP-052, Akron	41227
Art Museum, plus \$1,634,666.	41228
<u>MID OHIO VALLEY PLAYERS</u>	41229
<u>The amount reappropriated for the foregoing appropriation</u>	41230
<u>item CAP-829, Mid Ohio Valley Players, is the unencumbered and</u>	41231
<u>unallotted balance as of June 30, 2004, in appropriation item</u>	41232
<u>CAP-829, Mid Ohio Valley Players, plus \$30,000.</u>	41233
RIVERSOUTH DEVELOPMENT	41234
The amount reappropriated for the foregoing appropriation	41235
item CAP-840, Riversouth Development, is the unencumbered and	41236
unallotted balance as of June 30, 2004, in appropriation item	41237
CAP-840, Riversouth Development, minus \$9,000,000.	41238
MARINA DISTRICT/ICE ARENA DEVELOPMENT	41239
The amount reappropriated to the Cultural and Sports	41240
Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice	41241
Arena Development, is the unallotted and unencumbered balance in	41242
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina	41243
District/Ice Arena Development.	41244

Section 609.12. That existing Section 22 of Am. Sub. S.B. 189 41245
of the 125th General Assembly, as most recently amended by Am. 41246
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 41247

Section 690.03. That Section 315.03 of Am. Sub. H.B. 66 of 41248
the 126th General Assembly is hereby repealed. 41249

Section 690.06. That Section 557.09.09 of Am. Sub. H.B. 66 of 41250
the 126th General Assembly is hereby repealed. 41251

Section 701.03. On or before February 20, 2007, each clerk of 41252
court, as defined in section 120.36 of the Revised Code, shall 41253
provide to the State Public Defender a report including all of the 41254
following for the calendar year 2006: 41255

(A) The number of persons who requested or were provided a 41256
state public defender, county or joint county public defender, or 41257
other counsel appointed by the court; 41258

(B) The number of persons for whom the court waived the 41259
application fee pursuant to division (A) of section 120.36 of the 41260
Revised Code; 41261

(C) The dollar value of the application fees assessed 41262
pursuant to division (A) of section 120.36 of the Revised Code; 41263

(D) The amount of assessed application fees collected; 41264

(E) The balance of unpaid assessed application fees at the 41265
open and close of the calendar year. 41266

Section 709.03. The membership on the Farmland Preservation 41267
Advisory Board of the representative of the Natural Resources 41268
Conservation Service in the United States Department of 41269
Agriculture is hereby terminated pursuant to amendments to section 41270
901.23 of the Revised Code made by this act. The remainder of the 41271

term of that member shall be served by the member who is required 41272
to be appointed by the Director of Agriculture to represent soil 41273
and water conservation interests under that section as amended by 41274
this act. 41275

Section 733.03. Not later than six months after the effective 41276
date of this section, the Department of Education shall develop 41277
and submit to the Education Committee of the Senate and of the 41278
House of Representatives a proposal for an appropriate penalty to 41279
be applied to school districts and community schools that 41280
intentionally report to the Department inaccurate data regarding 41281
formula ADM or community school ADM and other student attendance 41282
numbers required under section 3314.08 or 3317.03 of the Revised 41283
Code and shall provide public testimony on the proposal before 41284
those committees. Copies of the proposal also shall be submitted 41285
to the President and Minority Leader of the Senate and the Speaker 41286
and Minority Leader of the House of Representatives. In developing 41287
the proposal, the Department also shall examine the penalties 41288
prescribed by law and shall provide legislative recommendations 41289
regarding those penalties. 41290

Section 755.03. (A) There is hereby created the Ohio 41291
Transportation Task Force consisting of the following twenty-four 41292
members: three members of the House of Representatives, all of 41293
whom shall be appointed by the Speaker of the House of 41294
Representatives and not more than two of whom shall be from the 41295
same political party as the Speaker of the House of 41296
Representatives; three members of the Senate, all of whom shall be 41297
appointed by the President of the Senate and not more than two of 41298
whom shall be from the same political party as the President of 41299
the Senate; the Director of Development or the Director's 41300
designee; the Director of Public Safety or the Director's 41301

designee; the Director of Transportation or the Director's 41302
designee; the Superintendent of the State Highway Patrol or the 41303
Superintendent's designee; nine members appointed jointly by the 41304
Speaker of the House of Representatives and the President of the 41305
Senate, with each such member being selected from a list of three 41306
individuals with the Ohio Aggregates Association, the Ohio Coal 41307
Association, the Ohio Farm Bureau, the Ohio Trucking Association, 41308
the County Engineers Association of Ohio, the Ohio Municipal 41309
League, the Ohio Township Association, the Ohio Association of 41310
Regional Councils, and the Ohio Manufacturers' Association each 41311
submitting such a list to the Speaker of the House of 41312
Representatives and the President of the Senate for their 41313
consideration; three additional members appointed jointly by the 41314
Speaker of the House of Representatives and the President of the 41315
Senate, with one member representing the industry that transports 41316
freight by air, one member representing the industry that 41317
transports freight by water, and one member representing the 41318
industry that transports freight by rail; and one person appointed 41319
by the Speaker of the House of Representatives and one person 41320
appointed by the President of the Senate, both of whom shall 41321
represent the general public. 41322

All initial appointments to the Task Force shall be made not 41323
later than sixty days after the effective date of this section. 41324
Vacancies shall be filled in the same manner provided for original 41325
appointments. 41326

The Speaker of the House of Representatives and the President 41327
of the Senate each shall appoint a co-chairperson of the Task 41328
Force from among the appointees who are members of their 41329
respective chambers of the General Assembly. The Task Force may 41330
elect from among its members any other officers it considers 41331
advisable. The co-chairpersons shall call the first meeting of the 41332
Task Force not later than thirty days after the last member has 41333

been appointed.

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The Legislative Service Commission shall provide any staff or services the Task Force may require.

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(B) The Task Force shall evaluate the state's ability to provide for the efficient movement of freight within this state during the next two decades through study of the adequacy of the state's infrastructure and the weight provisions and permit requirements of existing law that govern the transportation industry. The Task Force shall make recommendations as to what changes, if any, would need to be made to those provisions and requirements in order to enhance the state's ability to provide for the efficient movement of freight within this state during that future time period.

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The Task Force also may consider or evaluate existing statewide freight studies and data, Ohio Department of Transportation policies on safety and congestion, multi-modal projects, national freight perspectives, initiatives of other states in these areas, and potential revenue options. The Task Force may evaluate these items to determine how they may affect the state's ability to provide for the efficient movement of freight within this state during the next two decades.

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(C) Not later than December 15, 2007, the Task Force shall issue a report containing its findings and recommendations. The Task Force shall send a copy of the report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor. Upon issuance of the report, the Task Force shall cease to exist.

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Section 757.03. The Tax Commissioner's certification to the Department of Education in 2006 for the data described in division

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(A)(6) of section 3317.021 of the Revised Code shall be made on or 41364
before August 1, 2006. 41365

Section 757.06. (A) As used in this section, "qualified 41366
property" means real and tangible personal property that satisfies 41367
all of the following qualifications: 41368

(1) The property is currently owned by an entity defined 41369
under division (D)(1) of section 5709.07 of the Revised Code; 41370

(2) The current owner purchased the property from an entity 41371
defined under division (D)(1) of section 5709.07 of the Revised 41372
Code; and 41373

(3) The property was exempted from taxation under division 41374
(A)(2) of section 5709.07 of the Revised Code before the previous 41375
owner's acquisition of the property. 41376

(B) Notwithstanding division (A) of section 5715.27 of the 41377
Revised Code, when qualified property has not received tax 41378
exemption for tax year 2003 due to a failure to timely file an 41379
application for exemption for that year, the previous owner of the 41380
property, at any time on or before sixty days after the effective 41381
date of this section, may file with the Tax Commissioner an 41382
application requesting that, pursuant to this section, the 41383
property be placed on the tax exempt list and that all unpaid 41384
taxes, penalties, and interest on the property for tax year 2003 41385
be abated. 41386

(C) Upon receipt of the application and after consideration 41387
of it, the Tax Commissioner shall determine if the applicant meets 41388
the qualifications set forth in this section, and if so shall 41389
issue an order directing that the property be placed on the tax 41390
exempt list of the county for tax year 2003 and that all unpaid 41391
taxes, penalties, and interest for that year be abated, but only 41392
if the Commissioner finds that the property met the qualifications 41393

for exemption under division (A)(2) of section 5709.07 of the Revised Code for tax year 2003. 41394
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(D) The Tax Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Tax Commissioner on the effective date of this section, without requiring the property owner to file an additional application, but only if the applicant files a notice with the Tax Commissioner requesting consideration under this section before this section expires. 41396
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(E) This section expires six months after the effective date of this section. 41403
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Section 757.09. (A) As used in this section, "qualified property" means real and tangible personal property that satisfies all of the following conditions: 41405
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(1) The property is currently owned by a municipal corporation; 41408
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(2) The current owner of the property acquired the property from an entity that operated a hospital and that was exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and 41410
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(3) That entity had previously filed an application for exemption that was dismissed after the property was transferred to the municipal corporation. 41414
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(B) Notwithstanding section 5713.081 and division (A) of section 5715.27 of the Revised Code, when qualified property has not received an exemption from taxation for tax years 2001 through 2004 due to the dismissal of a timely filed application for exemption filed after the qualified property had been transferred to the current owner and if the qualified property otherwise satisfied the qualifications for exemption under section 5709.12 41417
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or 5709.121 of the Revised Code for those years, the prior owner
of the property, at any time on or before sixty days after the
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 757.09.03. The amendment by this act of section
5709.08 of the Revised Code is a clarification of existing law and

shall apply to all applications for a tax exemption pending on the 41455
amendment's effective date or filed with the Tax Commissioner on 41456
or after that date. 41457

Section 757.12. Section 5709.081 of the Revised Code, as 41458
amended by this act, is remedial in nature and applies to the tax 41459
years at issue in any application for exemption from taxation 41460
pending before the Tax Commissioner, the Board of Tax Appeals, any 41461
Court of Appeals, or the Supreme Court on the effective date of 41462
this section and to the property that is the subject of the 41463
application. 41464

Section 757.15. Section 5725.222 of the Revised Code, as 41465
enacted by this act, applies to taxes due or paid before, on, or 41466
after the effective date of that section, but no statute of 41467
limitation under division (A) or (B) of that section shall expire 41468
before thirty days after the effective date of that section. 41469

Section 757.18. Section 5729.102 of the Revised Code, as 41470
enacted by this act, applies to taxes due or paid before, on, or 41471
after the effective date of that section, but no statute of 41472
limitation under division (A) or (B) of that section shall expire 41473
before thirty days after the effective date of that section. 41474

Section 757.21. The credit allowed under section 5733.56 of 41475
the Revised Code for providing programs to aid the communicatively 41476
impaired shall be allowed in tax year 2006 and thereafter based on 41477
the amendments made to sections 4905.79, 5733.01, 5733.56, and 41478
5733.98 of the Revised Code by this act. 41479

Section 803.03. The amendment by this act of section 9.901 of 41480
the Revised Code neither confirms nor orders the implementation of 41481
the provisions of the section that have become law but that are 41482

not effective because of Section 611.03 of H.B. 66 of the 126th 41483
General Assembly. The provisions of section 9.901 of the Revised 41484
Code that have become law but that are not effective because of 41485
Section 611.03 of H.B. 66 of the 126th General Assembly continue 41486
not in effect, pending enactment of a law confirming and ordering 41487
their implementation as contemplated by the latter section. The 41488
not-in-effect provisions of section 9.901 of the Revised Code are 41489
presented in this act in compliance with the substantive rule of 41490
form contained in the second sentence of Ohio Constitution, 41491
Article II, Section 15(D) and to negate any implication they are 41492
being repealed. 41493

Section 806.03. The items of law of which the sections of law 41494
contained in this act are composed, and their applications, are 41495
independent and severable. If any item of law that constitutes the 41496
whole or part of a section of law contained in this act, or if any 41497
application of any item of law that constitutes the whole or part 41498
of a section of law contained in this act, is held invalid, the 41499
invalidity does not affect other items of law or applications of 41500
items of law that can be given effect without the invalid item of 41501
law or application. 41502

Section 812.03. Except as otherwise specifically provided in 41503
this act, the amendment or enactment of the sections of law 41504
contained in this act, and the items of law of which the 41505
amendments or enactments are composed, are subject to the 41506
referendum. Therefore, under Ohio Constitution, Article II, 41507
Section 1c and section 1.471 of the Revised Code, the amendment or 41508
enactment of the sections of law contained in this act, and the 41509
items of law of which the amendments or enactments are composed, 41510
take effect on the ninety-first day after this act is filed with 41511
the Secretary of State. If, however, a referendum petition is 41512

filed against any such amendment or enactment, or against any item 41513
of law of which any such amendment or enactment is composed, the 41514
amendment or enactment, or item, unless rejected at the 41515
referendum, takes effect at the earliest time permitted by law. 41516

Section 812.06. Except as otherwise specifically provided in 41517
this act, the repeal by this act of a section of law is subject to 41518
the referendum. Therefore, under Ohio Constitution, Article II, 41519
Section 1c and section 1.471 of the Revised Code, the repeal by 41520
this act of a section of law takes effect on the ninety-first day 41521
after this act is filed with the Secretary of State. If, however, 41522
a referendum petition is filed against any such repeal, the 41523
repeal, unless rejected at the referendum, takes effect at the 41524
earliest time permitted by law. 41525

Section 812.09. The amendment or enactment by this act of the 41526
sections of law listed in this section, and the items of law of 41527
which the amendments or enactments are composed, are subject to 41528
the referendum. Therefore, under Ohio Constitution, Article II, 41529
Section 1c and section 1.471 of the Revised Code, the amendments 41530
or enactments, and the items of law of which the amendments or 41531
enactments are composed, take effect as specified in this section. 41532
If, however, a referendum petition is filed against any such 41533
amendment or enactment, or against any item of law of which any 41534
such amendment or enactment is composed, the amendment or 41535
enactment, unless rejected at the referendum, goes into effect at 41536
the earliest time permitted by law that is on or after the 41537
effective date specified in this section. 41538

Sections 9.41, 113.09, 113.11, 113.12, 117.45 (126.35), 41539
117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 124.09, 124.11, 41540
124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 41541
124.181, 124.182, 124.321, 124.327, 124.382, 124.384, 124.387, 41542

124.389, 124.391, 124.82, 124.821, 124.822, 124.823, 124.84, 41543
125.21, 126.07, 126.21, 126.22, 131.01, 131.33, 141.08, 141.10, 41544
145.70, 742.57, 1523.02, 2503.20, 3307.32, 3309.68, 3701.041, 41545
5115.04, 5505.27, and 5747.11 of the Revised Code take effect 41546
December 1, 2006. 41547

Section 515.03 of this act takes effect December 1, 2006. 41548

Section 812.12. The repeal by this act of the sections of law 41549
listed in this section is subject to the referendum. Therefore, 41550
under Ohio Constitution, Article II, Section 1c and section 1.471 41551
of the Revised Code, the repeals take effect as specified in this 41552
section. If, however, a referendum petition is filed against any 41553
such repeal, the repeal, unless rejected at the referendum, goes 41554
into effect at the earliest time permitted by law that is on or 41555
after the effective date specified in this section. 41556

The repeal of section 4732.04 of the Revised Code takes 41557
effect July 1, 2007. 41558

Section 815.03. The amendment or enactment by this act of the 41559
sections of law listed in this section, and the items of law of 41560
which the amendments or enactments are composed, are not subject 41561
to the referendum. Therefore, under Ohio Constitution, Article II, 41562
Section 1d and section 1.471 of the Revised Code, the amendments 41563
or enactments, and the items of law of which the amendments or 41564
enactments are composed, go into immediate effect when this act 41565
becomes law. 41566

Sections 133.01, 133.06, 184.20, 2305.2341, 2923.46, 2925.44, 41567
2933.43, 3301.0714, 3310.03, 3310.06, 3310.11, 3310.12, 3313.372, 41568
3314.35, 3314.36, 3317.021, 3317.029, 3317.0216, 3318.052, 41569
3745.114, 4781.04, 5111.061, 5111.20, 5111.231, 5111.27, 5123.36, 41570
5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, and 41571
5919.19 of the Revised Code. 41572

The repeal and reenactment of section 3325.12 of the Revised Code. 41573
41574

Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 41575
203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.48, 206.03, 41576
206.09.12, 206.09.15, 206.09.84, 206.16, 206.48, 206.66.22, 41577
206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.91, 41578
206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 41579
209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 41580
209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 41581
212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 612.36.03 of 41582
Am. Sub. H.B. 66 of the 126th General Assembly. 41583

Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly. 41584
41585

Sections 506.03, 512.03, 512.03.03, 512.06, 512.12, 512.15, 41586
512.18, 515.06, and 757.03 of this act. 41587

Sections 815.03, 815.06, 815.09, 821.03, 821.09, 827.03, and 41588
831.03 of this act. 41589

Section 815.06. The repeal by this act of the sections of law 41590
listed in this section is not subject to the referendum. 41591
Therefore, under Ohio Constitution, Article II, Section 1d and 41592
section 1.471 of the Revised Code, the repeals go into immediate 41593
effect when this act becomes law. 41594

Section 3325.17 of the Revised Code. 41595

Section 315.03 of Am. Sub. H.B. 66 of the 126th General Assembly. 41596
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Section 815.09. The amendment or enactment by this act of the 41598
sections of law listed in this section, and the items of law of 41599
which the amendments or enactments are composed, are not subject 41600
to the referendum. Therefore, under Ohio Constitution, Article II, 41601

Section 1d and section 1.471 of the Revised Code, the amendments 41602
or enactments, and the items of law of which amendments or 41603
enactments are composed, go into effect as specified in this 41604
section. 41605

Sections 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 41606
(5111.082), 5111.084 (5111.083), 5111.085 (5111.084), 5111.941, 41607
5111.943, 5112.08, and 5112.18 of the Revised Code take effect 41608
July 1, 2006. 41609

Sections 206.66.85 and 206.67.15 of Am. Sub. H.B. 66 of the 41610
126th General Assembly take effect July 1, 2006. 41611

Section 818.03. The amendment or enactment by this act of the 41612
sections of law listed in this section, and the items of law of 41613
which the amendments or enactments are composed, provide for or 41614
are essential to implementation of a tax levy. Therefore, under 41615
Ohio Constitution, Article II, Section 1d, the amendments and 41616
enactments, and the items of which the amendments and enactments 41617
are composed, are not subject to the referendum and go into 41618
immediate effect when this act becomes law. 41619

Sections 122.17, 122.171, 133.04, 133.18, 307.761, 5701.11, 41620
5705.03, 5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.42, 41621
5709.73, 5709.74, 5709.79, 5711.01, 5725.221, 5725.222, 5725.98, 41622
5727.06, 5727.85, 5729.05, 5729.101, 5729.102, 5729.98, 5733.352, 41623
5739.026, 5743.15, 5745.01, 5747.012, 5747.05, 5747.056, 5747.331, 41624
5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 41625
5751.10, 5751.20, 5751.21, 5751.22, and 5751.53 of the Revised 41626
Code. 41627

Sections 606.18.03, 606.18.06, 757.06, 757.09, 757.09.03, 41628
757.12, 757.15, 757.18, and 831.06 of this act. 41629

Sections 818.03, 818.09, and 821.06 of this act. 41630

Section 818.09. The repeal by this act of the section of law 41631
listed in this section provides for or is essential to 41632
implementation of a tax levy. Therefore, under Ohio Constitution, 41633
Article II, Section 1d, the repeal is not subject to the 41634
referendum and goes into immediate effect when this act becomes 41635
law. 41636

Section 557.09.09 of Am. Sub. H.B. 66 of the 126th General 41637
Assembly. 41638

Section 821.03.03. (A) Except as otherwise provided in 41639
division (B) of this section, the amendments by this act to 41640
section 5709.40 of the Revised Code provide for or are essential 41641
to implementation of a tax levy. Therefore, under Ohio 41642
Constitution, Article II, Section 1d, the amendments are not 41643
subject to the referendum and go into immediate effect when this 41644
act becomes law. 41645

(B) The amendment to division (C)(3)(a) of section 5709.40 of 41646
the Revised Code that refers to section 5709.43 of the Revised 41647
Code is subject to the referendum. Therefore, under Ohio 41648
Constitution, Article II, Section 1c, the amendment takes effect 41649
on the ninety-first day after this act is filed with the Secretary 41650
of State. If, however, a referendum petition is filed against the 41651
amendment, the amendment, unless rejected at the referendum, takes 41652
effect at the earliest time permitted by law. 41653

Section 821.03.06. (A) Except as otherwise provided in 41654
division (B) of this section, the amendments by this act to 41655
section 5709.78 of the Revised Code provide for or are essential 41656
to implementation of a tax levy. Therefore, under Ohio 41657
Constitution, Article II, Section 1d, the amendments are not 41658
subject to the referendum and go into immediate effect when this 41659
act becomes law. 41660

(B) The amendments to the second paragraph of division (A) 41661
and to division (H) of section 5709.78 of the Revised Code are 41662
subject to the referendum. Therefore, under Ohio Constitution, 41663
Article II, Section 1c, the amendments take effect on the 41664
ninety-first day after this act is filed with the Secretary of 41665
State. If, however, a referendum petition is filed against the 41666
amendments, the amendments, unless rejected at the referendum, 41667
take effect at the earliest time permitted by law. 41668

Section 821.06. (A) Except as otherwise provided in division 41669
(B) of this section, the amendments by this act to section 5747.01 41670
of the Revised Code provide for or are essential to implementation 41671
of a tax levy. Therefore, under Ohio Constitution, Article II, 41672
Section 1d, the amendments are not subject to the referendum and 41673
go into immediate effect when this act becomes law. 41674

(B) The amendments adding divisions (A)(22) and (23) to 41675
section 5747.01 of the Revised Code are subject to the referendum. 41676
Therefore, under Ohio Constitution, Article II, Section 1c, the 41677
amendments take effect on the ninety-first day after this act is 41678
filed with the Secretary of State. If, however, a referendum 41679
petition is filed against either amendment, the amendment, unless 41680
rejected at the referendum, takes effect at the earliest time 41681
permitted by law. 41682

Section 821.09. (A) Except as otherwise provided in division 41683
(B) of this section, the amendments by this act to Section 206.66 41684
of Am. Sub. H.B. 66 of the 126th General Assembly are not subject 41685
to the referendum. Therefore, under Ohio Constitution, Article II, 41686
Section 1d, and section 1.471 of the Revised Code, the amendments 41687
go into immediate effect when this act becomes law. 41688

(B) The amendments by this act to Section 206.66 of Am. Sub. 41689
H.B. 66 of the 126th General Assembly that adjust appropriation 41690

items 600-623, Health Care Federal, and 600-692, Prescription Drug 41691
Rebate-State creates item 600-639, Medicaid Revenue Collections, 41692
are not subject to the referendum. Therefore, under Ohio 41693
Constitution, Article II, Section 1d, and section 1.471 of the 41694
Revised Code, the amendments take effect July 1, 2006. 41695

Section 827.03. The amendment of Section 612.36.03 of Am. 41696
Sub. H.B. 66 of the 126th General Assembly by sections 606.17 and 41697
606.18 of this act, intended to accelerate the effective date of 41698
the amendments to divisions (A) and (I) of section 3301.0711 of 41699
the Revised Code, by Am. Sub. H.B. 66 of the 126th General 41700
Assembly, from July 1, 2006, to the effective date of this 41701
section. 41702

Section 831.03. The General Assembly, applying the principle 41703
stated in division (B) of section 1.52 of the Revised Code that 41704
amendments are to be harmonized if reasonably capable of 41705
simultaneous operation, finds that the following sections, 41706
presented in this act as composites of the sections as amended by 41707
the acts indicated, are the resulting versions of the sections in 41708
effect prior to the effective date of the sections as presented in 41709
this act: 41710

Section 109.572 of the Revised Code as amended by both Am. 41711
Sub. H.B. 11 and Am. Sub. H.B. 117 of the 125th General Assembly 41712
and Am. Sub. H.B. 68 of the 126th General Assembly. 41713

Section 133.04 of the Revised Code as amended by both Am. 41714
H.B. 76 and Am. Sub. S.B. 3 of the 123rd General Assembly. 41715

Section 2913.01 of the Revised Code as amended by Am. Sub. 41716
H.B. 361, Am. Sub. H.B. 369, Sub. H.B. 536, and Am. Sub. S.B. 146, 41717
all of the 125th General Assembly. 41718

Section 4731.22 of the Revised Code as amended by both Sub. 41719
H.B. 126 and Am. Sub. S.B. 80 of the 125th General Assembly. 41720

Section 5709.73 of the Revised Code as amended by both Am.	41721
Sub. H.B. 66 and Sub. S.B.107 of the 126th General Assembly.	41722
Section 5735.27 of the Revised Code as amended by both Am.	41723
Sub. H.B. 68 and Sub. S.B. 107 of the 126th General Assembly.	41724
Section 5743.081 of the Revised Code as amended by both Sub.	41725
S.B. 200 and Am. Sub. S.B. 261 of the 124th General Assembly.	41726
The finding in this section takes effect at the same time as	41727
the section referenced in the finding takes effect.	41728
Section 831.06. The amendments by this act of the first	41729
paragraph of division (F) of section 5751.01, of division	41730
(F)(2)(w) of section 5751.01, of the first paragraph of section	41731
5751.032, and of divisions (A)(7) and (A)(8)(c) of section	41732
5751.032 of the Revised Code are nonsubstantive corrections of	41733
errors in Chapter 5751. of the Revised Code.	41734